XI. PRKS. & RECR.

CHAPTER XI. PARKS AND RECREATION

ARTICLE 1. BOARD OF PARK COMMISSIONERS

11-101. NUMBER AND QUALIFICATIONS. There is hereby created a Parks Commission consisting of four (4) electors of the city and the park commissioner, a member of the governing body. 11-201
11-101

11-102. MEMBERSHIP TERMS, QUALIFICATIONS. No member of said Parks Commission shall be related by blood or marriage to the Mayor, to any City Commissioner, to any member of the City Council or to any officer of the city government. The members shall be appointed by the Mayor with the consent of the Council for two (2) year terms of office, unless sooner removed by the Mayor, excepting one member who shall also serve as a member of the Recreation Commission. The appointed member who shall serve on both the Parks and Recreation Commissions shall have terms of office on each Commission which are concurrent.
11-102

ORD. 434 G 4-16-73 202

11-103 POWERS. The Parks Commission is authorized to administer all aspects of maintenance and repair of public parks, public playgrounds and all other municipally owned or leased places of amusement and recreation in the City. ORD. 434 G 4-16-73
11-103

203
11-

ARTICLE 2. PARK REGULATIONS

11-201. PARK HOURS. All parks shall be closed between the hours of eleven o'clock (11:00) p.m. and six o'clock (6:00) a.m. during the period from April to October during which central daylight saving time shall be in force in the City; and between the hours of nine o'clock (9:00) p.m. and seven o'clock (7:00) a.m. during the balance of the year: Provided, That any or all parks may be closed temporarily, or opening hours extended temporarily, in case of emergency, adverse weather, or unusual circumstances, as determined by the Recreation Commission, or its designee.

ORD. NO. 736 3-15-82

11-202. It shall be unlawful for any person to be in any City park during the hours in which it is closed. ORD. NO. 736 3-15-82

11-203. PROHIBITION OF USE BY OTHERS. The Recreation Commission is empowered to allow reservation of park facilities. It shall be unlawful for any person or persons to occupy, use or attempt to control the occupation or use of any park facilities or portion thereof after being notified that a written reservation for exclusive use of the same has been issued by the Recreation Commission's designee during the period of time set forth in said reservation, and no person or persons shall continue to use or attempt to use any such park facility after said written reservation has been issued for said purpose and time. Any person failing to vacate such park facility promptly after being informed of such reservation shall be subject to arrest for violation thereof. The foregoing is not intended to prohibit the free and unrestricted use of the park facilities by persons without written reservation as long as no such reservation has been issued by the Recreation Commission's designee. ORD. NO. 736 3-15-82

11-204. PROHIBITION OF TRUCKS. Trucks over one and one-half (1 1/2) tons are hereby prohibited, except for maintenance and delivery vehicles, unless permission therefor has been granted in writing by the Governing Body's designee. ORD. NO. 736 3-15-82

11-205. PROHIBITED VEHICLES. Go-carts, racing-type motorbikes or motorcycles and other similar vehicles not licensed for public roadway driving shall be prohibited within the City parks. Non-motorized bicycles shall be permitted upon the roads in the City parks, providing that said bicycles are operated only in those areas designated for motor vehicle traffic except when being walked to or from an authorized bicycle parking area or upon a designated bike trail. ORD. NO. 736 3-15-82

ARTICLE 2. PARK REGULATIONS

11-204 11-206. CAMPING PROHIBITED. Overnight camping is hereby prohibited in City parks. ORD. NO. 736 3-15-82

11-205 11-207. BRIDLE PATH. Horseback riding shall be permitted only in areas designated by signs therefor. ORD. NO. 736 3-15-82

11-206 11-208. HUNTING. No person shall pursue, catch, trap, maim, kill, shoot or take any wildlife, either bird or animal, in any manner at any time. ORD. NO. 736 3-15-82

11-207 11-209. FIRES. Fires may be built only in the ovens, stoves, or grills provided for that purpose by the City, and must be extinguished by the person, persons or parties starting such fires, immediately after use thereof. ORD. NO. 736 3-15-82

11-208 11-210. SANITATION. All waste material, paper, trash, rubbish, tin cans, bottles, containers, garbage and refuse of any kind whatsoever, shall be deposited in disposal drums provided for such purposes. No such waste or contaminating material shall be discarded otherwise. No sticks, stones, trash or other objects shall be thrown or discarded in or on any park lands, fountains, pools, drinking fountains, sanitary facilities, or other improvements. ORD. NO. 736 3-15-82

11-209 11-211. PROHIBITION AGAINST ALCOHOLIC BEVERAGES AND BEER. It shall be unlawful for any person or persons to use, consume or have on the premises of any park or other City property within the City of Leawood, Kansas, any alcoholic beverage, alcoholic liquor, cereal malt beverage or beer. ORD. NO. 736 3-15-82

11-210 11-212. PARKING.

a. Parking off the improved hard surface of the roadway is prohibited unless specifically directed by a law enforcement officer.
b. The Chief of Police of the City of Leawood is authorized by the Governing Body to post "No Parking" signs within the City parks. Parking in a posted "No Parking" area shall be deemed to be a violation of this section, punishable as set out herein.
c. Overnight parking is prohibited except for vehicles which are disabled. ORD. NO. 736 3-15-82

11-212 11-213. Driving of any motorized or non-motorized vehicles off any hard surface improved roadway is prohibited except authorized maintenance vehicles. ORD. NO. 736 3-15-82

11-213 11-214. PRESERVATION OF NATURAL STATE. No person shall take,

injure, or disturb any live or dead tree, plant, shrub, or flower, or otherwise interfere with the natural state of City parks.

ORD. NO. 736 3-15-82

11-215. Swimming is prohibited in City parks except in pools constructed for that purpose. ORD. NO. 736 3-15-82

11-216. The Park Foreman of the Public Works Department shall have the authority to close any playing field for maintenance or for damage prevention. Closed fields shall be conspiciously posted, and any use of a closed field is prohibited. ORD. NO. 736 3-15-82

11-217. GENERAL REGULATIONS. The Governing Body may authorize the Recreation Commission to post such rules and regulations approved by the Governing Body pertaining to the use of the City parks in a conspicuous place in each City park. Violations of these posted rules shall also constitute a violation under the penalty provisions of this article.

ORD. NO. 736 3-15-82

11-218. PENALTY. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars ($100) for each such offense. Each and every day that such violation continues shall constitute a separate offense. ORD. NO. 736 3-15-82

11-219. SEPARABILITY. If any part or parts of this ordinance shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this ordinance. The Governing Body hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts thereof would be declared invalid.

ORD. NO. 736 3-15-82

CHAPTER XI. PARKS AND RECREATION

ARTICLE 3. RECREATION COMMISSION

11-301. MEMBERSHIP AND QUALIFICATIONS. There is hereby created a Recreation Commission consisting of five (5) members. Four (4) members shall be appointed by the governing body and one (1) member shall be appointed by the four (4) appointee members of the Commission. All shall be qualified electors of the city. ORD. 434 G 4-16-73

11-302. TERM OF MEMBERSHIP. The four (4) members appointed by the governing body shall serve the following terms of office in the following prescribed manner. The first appointee shall serve for four (4) years, the second for three (3) years, the third for two (2) years and the fourth for one (1) year. The fifth member shall be appointed by the four (4) appointee members of said Commission to serve for four (4) years. Thereafter, the members of said Commission shall be selected in the same manner as the member he is succeeding and the term of office of each shall be four (4) years. Whenever a vacancy shall occur in the membership of said Commission, an elector shall be selected to fill the vacancy in the same manner as and for the unexpired term of the member he is succeeding. ORD. 434 G 4-16-73

11-303. POWERS AND DUTIES OF RECREATION COMMISSION. The Recreation Commission shall elect a presiding officer and secretary. Said Commissioners are empowered to administer in all respects the business and affairs of the recreation system except as provided in Section 11-103. The amount received from the tax authorized to be levied by said Commission shall be set over to the Commission and shall be held by the city treasurer, who shall be the ex officio treasurer of said Commission. All financial records of said commission shall be audited as provided by law, and a copy of such annual audit report shall be filed with the governing body. The chairman of said commission shall cause to be submitted, no later than the May meeting of the Budget and Finance Committee, a budget for the forthcoming fiscal year. ORD. 434 G 4-16-73

11-304. EMPLOYEES, AUTHORIZATION TO CONTRACT FOR SERVICES. The Recreation Commission is authorized to hire or contract the services of consulting firms and/or individuals as the Commission deems necessary to carry out its obligations. The Commission is specifically authorized to contract for or hire the services of city employees, agencies or commissions and compensate them in a manner which the commission deems appropriate. ORD. 434 G 4-16-73

per S.W. 9/9/2 — Article 4. Provisions for acquisition of Public Open Space.

~~XII. STORM DRNAGE~~
(San.sewer & reg.)

CHAPTER XII. STORM DRAINAGE, SANITARY REGULATIONS

New XXV

ARTICLE 1. SEWER SYSTEM

12-101. SEWER SYSTEM. WHEREAS, on or about the 15th day of November, 1954, the City of Leawood, Kansas, by trust deed recorded in Book 68 Misc., page 472, in the office of the Register of Deeds of Johnson County, Kansas, acquired as trustee the title to the sewer system serving the City of Leawood, Kansas, and adjoining areas, from Kroh Bros., Inc. and upon breach of certain conditions contained thereon the title to said system under the terms of said trust deed upon demand would pass to the City of Leawood, Kansas, and

WHEREAS, on or about the 7th day of October, 1957, a Sanitary Sewer Agreement was entered into by and between the County Court of Jackson County, Missouri, in behalf of the Indian Creek and Dykes Branch Joint Sewer District of Jackson County, Missouri, and Kroh Bros., Inc. and Kansas City, Missouri, a municipal corporation, and the City of Leawood, Kansas, a municipal corporation, under the terms of which Kroh Bros., Inc. undertook to pay to the County Court of Jackson County, Missouri, and the City of Kansas City, Missouri, the payment of certain sums for sewer lines, treatment plants, etc., and the City of Leawood, Kansas, agreed to become liable for the payment of said sums in the event Kroh Bros., Inc. defaulted therein, and

WHEREAS, on or about the 5th day of December, 1963, Kroh Bros., Inc. stated by letter to the City of Leawood, Kansas, that it would default in the payment of said sums and would deed all of its interest to said sewer system to the City of Leawood, Kansas;

NOW THEREFORE, the governing body of the City of Leawood, Kansas, hereby declares the acquisition of such sewers, sewage system and facilities to be necessary, convenient and useful to the City of Leawood, Kansas, and does hereby declare that the same is of value to said City, its inhabitants and others in the immediate environs of such City and does hereby declare that such sewer lines and facilities are located within a distance of three miles of the corporate limits of the City of Leawood, Kansas, and that the facilities have been constructed and were in place prior to Jan. 1, 1947, and does hereby authorize the mayor to accept in behalf of the City of Leawood, Kansas, a proper deed to the sewer facilities from Kroh Bros., Inc. ORD. NO. 226 1-20-64

12-102. PURPOSE. It is determined and declared to be necessary and conducive to the public health, safety, welfare and convenience and to the efficient and economical operation of the sanitary sewer system of the City that a user charge system be implemented to collect charges from all users of the sewer system based upon the actual use of the system by the user. The user charge system shall be used solely for the purpose of payment for the costs of operation and maintenance of the sanitary sewer system of the City and for payment of contract costs for treatment with Kansas City, Missouri. ORD. NO. 753 7-19-82

12-102.1. DEFINITIONS. For the purposes of this Ordinance, the following terms shall have the meanings ascribed to them in this section, unless the context requires otherwise.

A. "Average Domestic Sanitary Wastes" shall mean wastewater that has a BOD measurement of 300 milligrams per liter (mg/l) and a suspended solids concentration of 400 mg/l.

B. "BOD" shall mean the Biochemical Oxygen Demand which is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter (mg/l).

C. "BOD Charge" shall mean the amount of charge per pound of BOD calculated as the cost of operation and maintenance allocated to the receipt, treatment and processing of each pound of BOD.

D. "Clean Water Act" shall mean and include the Federal Water Pollution Control Act, Public Law 92-500, and the Clean Water Act of 1977, Public Law 95-217, all as amended and codified in 33 U.S.C. §§ 1251 et seq.

E. "Customer Service Cost" shall mean the amount of charge allocated for that portion of the operation and maintenance costs attributable to services performed in the administration of accounts of the users, including billing, mailing and information services.

F. "Discharge" shall mean the introduction of or addition of any wastewater or other substance, whether liquid, solid or gas, into the wastewater treatment facilities of the Leawood Sanitary Sewer System.

G. "Operation and Maintenance Cost" shall mean all expenditures during the useful life of the sewer system for materials, labor, utilities, and other items which are necessary for management and maintenance of the sewer system to achieve the capacity and performance for which such facilities were designed and constructed and shall include replacement costs which are expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater treatment facilities to maintain the capacity and performance for which such facilities were designed and constructed but shall not include major capital improvement or expenses.

H. "Pollutant" shall mean any substance discharged into water which alters the chemical, physical, biological or radiological integrity of the water.

I. "Residential User" shall mean any user which is a single family or multi-family dwelling which is used solely as a personal residence of the occupants but shall not include any commercial or institutional dwelling such as a hotel, motel, dormitory or care facility.

J. "Shall" is mandatory; "may" is permissive.

K. "Sewer System" shall mean sanitary sewers, mains, pumping stations, treatment works, storage facilities, and all other appurtenances to the collection, storage, treatment and disposal of sewage or wastewater.

L. "Suspended Solids" (ss) shall mean solids that either float on the surface of or are in suspension in water, wastewater, or other solids and which are removable by laboratory filtering.

M. "Suspended Solids Charge" shall mean that amount of charge per pound of suspended solids calculated as the cost of operation and maintenance allocated to the receipt, treatment and processing of each pound of suspended solids.

N. "Unit Cost" shall mean the amount of operation and maintenance cost allocated per unit to the determined component parts of the level and type of service provided; including the wastewater load, the character of the discharge and the customer account administration.

O. "Useful Life" shall mean the estimated period during which a wastewater treatment facility will be operated without major renovations.

P. "User" shall mean any person who is the owner or is in possession or control of any real estate property located within the prescribed service area of the sewer system of the City and who contributes wastewater into the sewer system.

Q. "User Charge" or "User Charge System" shall mean the service charge, or system for establishment and assessment of the service charge, which is assessed to recover the cost of operation and maintenance of the sewer system and sewer services of the City based upon the allocation of costs to users of the sewer system in proportion of the use of sewer system by each user.

R. "Volume Charge" shall mean that amount of charge per one thousand gallons of wastewater discharged calculated as the cost of operation and maintenance allocated to the receipt, handling, treatment and process of the volume and delivery flow rate or the discharge.

S. "Wastewater" shall mean all pollutant and waste carrying water, liquids or fluids discharged into, transported through, and treated by wastewater treatment facilities. ORD. NO. 753 7-19-82

12-102.2. ESTABLISHMENT AND ASSESSMENT OF USER CHARGE SYSTEM. For the purpose of paying for the costs of the operation and maintenance of the sanitary sewer system, including replacement, a user charge system is hereby established and a user charge is hereby assessed upon each user of the sanitary sewer system of the City in an amount and to be collected in the manner as hereinafter provided.
ORD. NO. 753 7-19-82

12-102.3. USER CHARGE RATE. The user charge shall be based upon the actual cost of service provided by the City to each user and shall be determined as provided in this section.

The Director of Public Works for the City, or his authorized designate, utilizing the prevailing standards of engineering practice, shall allocate the total annual operation and maintenance costs incurred by the City, including those costs of treatment allocated and assessed to the City by Kansas City, Missouri, to the cost components of volume, BOD, suspended solids, customer services, direct treatment costs, replacement, and infiltration and inflow. The Director of Public Works shall then determine from actual use data or estimates, for each of the cost components, the per unit charge necessary for the City to recover funds sufficient to pay the total annual operation and maintenance costs and shall certify the per unit charges to the City Council.

No later than the first duly scheduled meeting of June of each year, the City Council shall adopt, by separate ordinance, the per unit charges certified by the Director of Public Works and shall publish the Ordinance once each week for two consecutive weeks in the official newspaper of the City.

The City Clerk, or its authorized designate, shall maintain a current list of all users of the sewer system of the City and shall, no less frequently than once each year, obtain from the user, from water suppliers, or from testing and monitoring by the City or other governmental agency, sufficient data and information to determine the use of the sewer system by each user.

ORD. NO. 753 7-19-82

12-102.4. USER CHARGE CALCULATION. Each user of the sewer system of the City shall pay, within thirty (30) days after receipt of the user charge bill, the user charge calculated in accordance with this section.

A. Residential Users. Each residential user shall pay as a user charge that amount calculated from the following formula:

$$UC = (V_c \times 4V) + CSC + R + II$$

Where:

UC = User Charge in dollars;

V_c = The certified per unit volume charge;

V = The total volume of wastewater discharged by the user measured in 1,000 gallons and determined from water meter data during the months of January, February, and March of each year;

CSC = The certified customer service charge;

R = The certified per unit replacement charge; and

II = The certified per unit cost for infiltration and inflow.

In the event that sufficient water meter data is not available for any residential user, V shall equal the average volume of wastewater discharged by all residential users.

B. All Other Users. All users other than residential users shall pay as a user charge that amount calculated from the following formula:

$$UC = (V_c \times V) + (BOD_c \times BOD) + (SS_c \times SS) + CSC + R + II$$

Where:

UC = User charge in dollars;

V_c = The certified per unit volume charge;

V = The volume of wastewater discharged by the user, measured in 1000 gallons, during the year as determined from water meter data;

BOD_c = The certified per unit BOD charge; as determined from charges established by Kansas City, Missouri;

BOD = The number of pounds of BOD in excess of average domestic strength discharged by the user during the billing year;

SS_c = The certified per unit SS charge; as determined from charges established by Kansas City, Missouri;

SS = The number of pounds of suspended solids in excess of average domestic strength discharged by the user during the billing year;

CSC = The certified per customer service charge;

R = The certified per unit replacement cost; and

II = The certified per unit cost for infiltration and inflow.

In the event that a user subject to this section shall have a consumptive use of water or in some other manner uses water which is not returned to the wastewater collection system, the volume factor of the user charge may be determined by the user in a manner approved by the Director of Public Works of the City.

C. Additional charges. In addition to the amount calculated under Subsections A and B of this section, a user shall pay as an additional user charge any treatment cost determined by the City to have been incurred by the City as a result of any pollutant discharged by that user.

D. Minimum Charge. A minimum user charge to each user shall be equal to CSC + R + II, where CSC is the customer service charge, R is the per unit replacement cost, and II is the per unit cost for infiltration and inflow.

E. Unavailable Data. In the event that sufficient data is unavailable to the City to accurately determine the volume usage of any user, then the user charge for such user shall equal:

$$(V_c \times 4V_a) + CSC + R + II$$

Where:

V_c = the certified per unit volume charge;

V_a = the average volume of wastewater discharged by similar users, measured in 1000 gallons and determined from water meter data during the months of January, February, and March of each year;

CSC = the certified customer service charge;

R = the certified per unit replacement charge; and

II = the certified per unit cost for infiltration and inflow.

ORD. NO. 753 7-19-82

12-102.5. BILLING AND COLLECTION.

A. Procedure. The user charge provided for in this Ordinance shall be calculated and billed by the City Clerk, or its authorized designate, annually, and the Clerk shall cause a billing statement to be mailed to the user stating the total amount of the user charge to be paid and showing the figures used to calculate the user charge.

B. Collection. The user charge shall be paid to and collected by the City Clerk within thirty (30) days after receipt of the billing statement by the user. Any payment not received within thirty (30) days after receipt of the billing statement shall be deemed delinquent and the City Clerk and City Attorney shall take such action as is necessary to collect the delinquent charges.

C. Late Payment Penalty. A late payment penalty of ten percent (10%) of the user charge will be assessed for each ninety (90) days period for which the payment of a user charge is delinquent. The late payment shall be assessed and billed on the next regular user charge billing. ORD. NO. 753 7-19-82

12-102.6. ADJUSTMENTS AND REVIEW. Any user may apply to the Director of Public Works for a review and adjustment of the user charge assessed to the user. The Director of Public Works shall review the user charge assessed and shall provide the user an opportunity to submit data and documentation to justify the requested adjustment. If the Director finds that the adjustment is justified, he shall issue a certificate to the City Clerk specifying the adjustment and reasons therefor. If the Director finds that the adjustment is not justified, he shall refuse any adjustment. The decision of the Director shall be final.

ORD. NO. 753 7-19-82

12-102.7. USE OF PROCEEDS. The City Clerk shall, upon receipt of any payment of user charges assessed under this Ordinance, deposit the proceeds from such payments into an account designated as the Sewer Operation, Maintenance, and Replacement Account of the City. At least once annually, the City Council shall audit the account, to ensure that the amounts collected are sufficient to satisfy the operation and maintenance costs of the City, and shall designate that portion of the account to be used as a replacement fund. The proceeds of the account shall be used only for the purpose of paying the operation, maintenance and replacement costs of the City, including contract costs for treatment with Kansas City, Missouri. Any adjustments necessary to the account shall be made and adjusted annually in the determination of cost allocations and unit charges.

ORD. NO. 753 7-19-82

12-102.8. ENFORCEMENT AND PENALTY. The City Council, after notice and opportunity for hearing as hereinafter provided, and upon a finding by the Council that a user charge levied by or under the provisions of this Ordinance is overdue and unpaid, may issue an order directing that sewer system services be disconnected to the user not paying the charge unless, within thirty (30) days of receipt of the order by the user, or person in charge thereof, the user charge is paid in full, together with any penalties, or the user demonstrates sufficient cause why the property should not be disconnected.

Notice of the intent to issue an order pursuant to this Section shall be given at least twenty (20) days prior to issuance of the order to the user, in writing, sent by certified mail to the address of the real property for which the user charge was assessed or other known address of the user, and shall state:

A. The intent of the City to issue an order directing that the property be disconnected unless the charge is paid in full, together with any penalties or unless cause is shown by the user not to disconnect the property;
B. The date the Council intends to issue the order; and
C. That the user has the right to request within the twenty (20) days an opportunity to appear before the Council and be heard to show cause by such an order should not be issued.

Sewer system services shall be reconnected to the user upon payment by the user of all due and unpaid user charges, late charge penalties, and all costs for disconnection and reconnection to the City. ORD. NO. 753 7-19-82

12-102.9. SEVERABILITY. In the event any section or part thereof of this Ordinance shall be found to be unenforceable by a competent Court of jurisdiction, then the remaining provisions of this Ordinance shall remain valid and in full force and effect. ORD. NO. 753 7-19-82

Add 12-102.10 & 102.11
12-102.12 & 102.13

ORDINANCE NO. 792

AN ORDINANCE ESTABLISHING THE 1984 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

12-102.10. 1984 ANNUAL ASSESSMENT. Section 1. Pursuant to the terms of Section 12-102.3 of Ordinance No. 753, the following shall be the formula to establish the 1984 annual assessment for all users of the Leawood Sewer System:

User Charge = Volume Charge, plus Customer Service Charge, plus Replacement Cost Charge;

Volume Charge = $.743 per 1,000 gallons of water used. The minimum volume for residential users shall be 33,000 gallons per year; the minimum volume for commercial users shall be 12,000 gallons per year;

Customer Service Charge = $47.74 per user per unit;

Replacement Cost = 0 (for 1984).

12-102.11. PUBLICATION. Section 2. This ordinance shall be published once each week for two consecutive weeks in the official newspaper of the City.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 11/21/83 Second Reading: 12/5/83

Passed by the Governing Body this 5th day of December, 1983.

Approved by the Mayor this 5th day of December, 1983.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

ORDINANCE NO. 825

AN ORDINANCE ESTABLISHING THE 1985 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

12-102.12. 1985 ANNUAL ASSESSMENT. Section 1. Pursuant to the terms of Section 12-102.3 of Ordinance No. 753, the following shall be the formula to establish the 1985 annual assessment for all users of the Leawood Sewer System:

User Charge = Volume Charge + Customer Service Charge + Replacement Cost Charge;

Volume Charge = $.765 per 1,000 gallons of water used. The minimum volume for residential users shall be 33,000 gallons per year; the minimum volume for commercial users shall be 12,000 gallons per year;

Customer Service Charge = $48.21 per user per unit;

Replacement Cost = 0 (for 1985).

12-102.13. PUBLICATION. Section 2. This ordinance shall be published once each week for two consecutive weeks in the official newspaper of the City.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 9/4/84 Second Reading: 9/4/84

Passed by the Governing Body this 4th day of September, 1984, the Council having deemed this to be an emergency matter.
Approved by the Mayor this 4th day of September, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

New XV

ARTICLE 1. SEWER SYSTEM.

12-103 SEWER CONNECTION CHARGE. The governing body shall from time to time establish just, reasonable and equitable connection charges and may issue permits for connections to said system. For other than standard four inch (4") residential connection, the connection fee shall be in terms of equivalent four inch (4") connections as determined by the rules and regulations of the sanitary sewer and storm drainage committee. Any unauthorized connections to said sewer system or any authorized connections violating any of the rules and regulations hereinafter adopted by the governing body shall be promptly disconnected and the cost thereof assessed against such property as is provided in section 12-102 of this article.

12-104 RULES AND REGULATIONS. The Public Works Commission shall from time to time adopt, promulgate, amend and enforce rules and regulations relating to any matter or thing pertaining to the operation, maintenance and use of the sewer system and the ~~Administrative Committee~~ shall from time to time adopt, promulgate, amend and enforce rules and regulations relating to any matter or thing pertaining to the administration, collection, disbursement and enforcement of such rules and regulations. No such rules or regulations shall be effective until approved in resolution form by the Governing Body. ORD. NO. 501 10-6-75

12-105 NONTAX FUNDS. No revenue derived from ad valorem taxes shall be used for the operation, maintenance or acquisition of sewer facilities.

12-106 REPLACED BY CHARTER ORDINANCE NO. 10. Oct. 1, 1973.

12-107 DISBURSEMENTS. Disbursements from any sewer account shall be made by the written authorization of the mayor, city clerk and city treasurer after approval by the governing body of the City of Leawood, Kansas.

12-108 CONTRACTS WITH OTHER POLITICAL SUBDIVISIONS. The governing body of the City of Leawood, Kansas, shall have authority to make contracts with persons, firms, corporations, boards of county commissioners, township trustees, sewer districts and other municipalities and political subdivisions whether within or without the State of Kansas for the use, maintenance and operation of such sewers and sewage facilities upon such terms and conditions and for such period of time as the governing body may deem necessary and proper. ORD. NO. 226 1-20-64

12-108.5 FAILURE OF PERFORMANCE UNDER CONTRACTS. The governing body of the City of Leawood shall have authority upon the breach of any provision of a contract under Section 12-108, providing for payment to the city, to declare that failure of the owner to satisfy the claim of the city for payment under the contract within ninety (90) days of the date of presentment thereof, authorizes the city clerk to certify to the county clerk costs to be assessed as a special assessment against the property and entered on the rolls of the county. ORD. NO. 417 G 12-30-71

12-109 AUTHORIZATION TO EXECUTE AGREEMENT WITH OTHER MUNICIPALITIES. The mayor of the City be and he is hereby authorized and directed to

execute, on behalf of the city, an agreement of cooperation for sewage service with Kansas City, Missouri, a municipal corporation of the State of Missouri, to provide for the payment of a monthly sewer service charge, moneys for capital improvements, maximum sewer connections and the method of payment therefor, all in accordance with the terms and conditions of the agreement attached hereto and made a part hereof.

12-110. RECORDING OF AGREEMENT. Upon the effective date of the agreement as therein provided the city clerk of the city is directed to cause this ordinance and attached agreement together with a certified copy of the ordinance adopted by the City of Kansas City, Missouri, to be recorded in the office of the register of deeds of Johnson County, Kansas, at Olathe, Kansas.

12-111. SUPPLEMENTAL AGREEMENTS. From time to time as supplemental agreements to the above contract are required, such shall be entered into, execution authorized and recorded in the same manner as the original agreement.

12-112. LEAWOOD SEWER DISTRICTS. For purposes of administering the Leawood Sewer System, said system shall be divided into sewer districts. Each district shall be comprised of the sanitary sewer network for a natural drainage area. The existing system is hereby divided into the Dykes Branch Sewer District and the Indian Creek Sewer District as shown on that certain map of the Leawood Sewer System adopted on the 8th day of September, 1970, by the governing body.

CHAPTER XII. STORM DRAINAGE, SANITARY REGULATIONS

ARTICLE 2. MODEL CODE FOR SANITARY SEWERS

12-201. MODEL CODE FOR SANITARY SEWERS. There is hereby incorporated by reference by K. S. A. 1969 Supp. 12-3009 and 12-3015, for the preparation of sewer plans, establishment of design criteria, and adoption of minimum construction standards that certain standard model code known as "Model Code for Sanitary Sewers", Edition of 1970, published by the City of Leawood, Kansas. Not less than three (3) copies of such model code, marked or stamped "Official Copy as Incorporated by the Codification of Ordinances of the City of Leawood, Kansas, 1970," shall be filed with the city clerk, to be open to inspection and available to the public during regular office hours, except that such official copies shall not be removed from the city hall. City officials requiring the use of such code shall be supplied at the cost of the city such number of official copies of the model codes as may be deemed expedient by the governing body.

12-202. APPLICATION. The provisions of the Model Code for Sanitary Sewers shall govern the design, plan submission, construction, installation, alteration, extension or by-passing of all sanitary sewers within the territorial limits of the City of Leawood, Kansas, and all portions of the Leawood Sewer System situated outside the city limits.

ARTICLE 3. SANITARY REGULATIONS

12-301. RAINWATER CONNECTIONS, DEFINITION OF. For purposes of this article the term rainwater connections shall be deemed to include any type of connection by which rainwater may be introduced into the sanitary sewer lines and shall include, but not be limited to, rain leaders, downspouts, rain conductors or piping, exterior, patio, areaway or garage drains.

12-302. RAINWATER CONNECTIONS, DISCONNECTION OF. Whenever the governing body shall adopt a resolution, by majority vote thereof, declaring that the public health, safety, welfare or convenience requires that any premises now connected with any part of the sanitary sewer system by means of rainwater connections shall be disconnected from such sewer system, it shall thereupon become the duty of the owner, tenant or occupant of such premises to disconnect the same from such sanitary sewer system.

12-303. CONTENTS OF RESOLUTION; SERVICE OF NOTICE. Before the adoption of any resolution under the above section, the governing body shall ascertain the locality or district in the city wherein it is then and there deemed in the interest of the public health, safety, welfare or convenience to order the disconnection of any rainwater connection connecting any premises with any part of the sanitary sewer system. Such resolution shall contain a description in general terms of the sanitary sewer, or any part thereof from which the rain leader, downspout, rain conductor is to be disconnected and shall direct the city engineer to notify, in writing, the owner, tenant or occupant of premises connected with such sanitary sewer to disconnect such rainwater connection from such sanitary sewer within sixty (60) days after the date of such notice. Such notice shall be directed to the owner, tenant or occupant at the common or post office address of the owner, tenant or occupant of the premises. When so deposited in the Post Office of the United States, or an adjunct thereof, such deposit shall constitute due service of the notice upon the owner, tenant or occupant therein named. The city engineer shall make a careful survey of all districts provided with sanitary sewers and report to the governing body, as early as practical, the extent to which such sewers are being used for the disposal of rainwater or surface water, the location and condition of all overflows that have been provided, together with such recommendations as they may deem proper.

12-304. OPEN MANHOLES PROHIBITED. No person shall permit any sanitary sewer manhole to remain uncovered except when the removal of cover be actually required for access to the manhole.

12-305. MANHOLES, GRADING ADJACENT TO. No person shall alter the grade of any area adjacent to a sanitary sewer manhole so that infiltration of ground water into the sanitary sewer system is possible.

12-306. MANHOLES, PROTECTION OF; DAMAGE REPORTS. During construction, excavation, grading or other operations that could damage a sanitary sewer manhole, same shall be marked and barricaded for protection from such operations. Any damage to a sanitary sewer manhole shall be promptly reported to the city engineer by the person in charge of the operations causing the damage.

ARTICLE 4. STORM DRAINAGE

12-401. *ADOPTING STORM SEWER SPECIFICATIONS AND STANDARDS PREPARED BY THE* KANSAS CITY METROPOLITAN CHAPTER OF THE AMERICAN PUBLIC WORKS ASSOCIATION, 1966. There is hereby incorporated in the revised ordinances of the City of Leawood, Kansas, by reference, for the purpose of regulating the installation, construction, alteration and repairs of storm sewers those specifications and standards known as "Storm Sewer Specifications and Standards Prepared by the Kansas City Metropolitan Chapter of the American Public Works Association, 1966" prepared and published by the Metropolitan Chapter of the American Public Works Association. Not less than three (3) copies of such specifications and standards shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Leawood, Kansas." to which shall be attached a copy of the ordinance, and filed with the city clerk, to be open to inspection and available to the public at all reasonable hours, except that such copy shall not be removed from the city hall. The city engineer and the street department superintendent shall be supplied, at the cost of the city, such number of official copies of such standards and specifications as may be deemed expedient by the governing body.

12-402. ADOPTING DESIGN CRITERIA FOR STORM SEWERS AND APPURTENANCES PREPARED BY THE KANSAS CITY METROPOLITAN CHAPTER OF THE AMERICAN PUBLIC WORKS ASSOCIATION, 1966. There is hereby incorporated in the revised ordinances of the City of Leawood, Kansas, by reference, for the purpose of regulating the installation, construction, alteration and repairs of storm sewers those specifications and standards known as "Design Criteria for Storm Sewers and Appurtenances Prepared and Published by the Metropolitan Chapter of the American Public Works Association, 1966," prepared and published by the Metropolitan Chapter of the American Public Works Association. Not less than three (3) copies of such specifications and standards shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Leawood, Kansas," to which shall be attached a copy of the ordinance, and filed with the city clerk, to be open to inspection and available to the public at all reasonable hours, except that such copy shall not be removed from the city hall. The city engineer and the street department superintendent shall be supplied, at the cost of the city, such number of official copies of such standards and specifications as may be deemed expedient by the governing body.

ARTICLE 5. PENALTY

12-501. PENALTY. Any person who shall violate any provision of this chapter or shall fail to comply with any of the requirements thereof shall be deemed guilty of maintaining a public nuisance (Sec. 10-309) or of permitting a public nuisance (Sec. 10-310) as said sections shall apply and shall be punished as therefore provided. Each day that a violation continues shall be deemed to be a separate offense.

ORDINANCE NO. 788

AN ORDINANCE RELATING TO THE ADOPTION OF "JOHNSON COUNTY PRIVATE SEWAGE DISPOSAL SYSTEM CODE".

Be it ordained by the Governing Body of the City of Leawood, Kansas:

12-601. JOHNSON COUNTY PRIVATE SEWAGE DISPOSAL SYSTEM CODE; INCORPORATION BY REFERENCE. Section 1. There is hereby incorporated by reference, for the purpose of prescribing rules and regulations for controlling practices to minimize health and safety hazards, that certain code known as the "Johnson County Private Sewage Disposal System Code", 1982 Edition, prepared and published by the Johnson County Health Department, and as from time to time amended.

Not less than three (3) copies of such "Johnson County Private Sewage Disposal System Code", marked or stamped "Official Copy as Adopted by Ordinance No. 788", shall be filed with the City Clerk to be open for inspection and available to the public during regular office hours.

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 9/6/83 Second Reading: 9/19/83

Passed by the Governing Body this 19th day of September, 1983.

Approved by the Mayor this 19th day of September, 1983.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

XIII. STREETS &
SIDEWALKS

CHAPTER XIII. STREETS AND SIDEWALKS

ARTICLE 1. STREET AND SIDEWALK WORK

13-101. 14-201 GENERAL SUPERVISION. The supervision and control of the construction, alteration, maintenance and repair of all streets, bridges, tunnels, sidewalks, curbs and gutters and other public thoroughfares of the city shall be under the direction of the street commissioner, assisted by the street commission, which shall, in addition to the provisions of this chapter enact such regulations by resolutions of the governing body as are required.

13-102. 14-202 WORK PERFORMED. All labor and equipment required for such work shall be supplied by the public works department in response to work orders as hereafter specified.

13-103. 14-203 SPECIFICATIONS, FILE. There shall be maintained in the office of the city clerk a file of specifications for streets, curbs and gutters which shall have been previously approved by resolution of the governing body.

CODIFICATION, 1970

13-104. REPLACED BY SECTION 13-109.

ORD. NO. 585 6-5-78

13-105. INVALIDATION. Sections, parts or portions of this article which conflict with any other ordinance of the City of Leawood or statute of the State of Kansas, shall be and hereby are declared to be invalid.

13-106. VALIDITY. Should any section, clause or provision of this article be invalid or unconstitutional, the same shall not affect the validity of the article as a whole, or any part thereon, other than the parts so invalid or unconstitutional.

13-107. 14-109 CONTRACTS. The street commissioner shall cause to be prepared form or forms of contracts for work to be performed by independent contractors, the form or forms of such contracts shall be approved by the city attorney and adopted by resolution of the governing body.

13-108. 14-110 WORK ORDERS. The street commissioner shall issue work orders on all work to be done by or for the city. Work orders shall specify the date of its issuance, name and address of contractor, work to be done, and any special specifications not covered by specifications on file in the city offices. Work orders shall be in quadruplicate, numbered consecutively and two (2) copies thereof shall be given the contractor, one (1) copy to the city clerk and one (1) copy retained by the street department. No such work order shall operate to increase the limit or amount of any contract previously approved by the governing body. The street commissioner shall not issue work orders in excess of one thousand dollars ($1,000) without the prior approval of the governing body.

CHAPTER XIII. STREETS AND SIDEWALKS

ARTICLE 1. STREET AND SIDEWALK WORK

13-109. STREET SPECIFICATIONS AND STANDARDS; INCORPORATION BY REFERENCE. There is hereby incorporated by reference, for the purposes of regulating the design, construction, alteration and repairs, that certain standard street specifications and standards known as the "Street Specifications and Standards of the Kansas City Metropolitan Chapter of the American Public Works Association 1966" prepared and published by the Kansas City Metropolitan Chapter of the American Public Works Association, with the following exceptions:

> Division III CG-1, CG-2, C-6, CS, MC-1, MC-2, ST-R, ST-C1, ST-C2, ST-S4, ST-D4 and ST-D6 are deleted from said document and replaced by the Street Construction Standards as set forth in the Subdivision Regulations of the City of Leawood, Kansas, 1978 edition.
>
> These regulations shall apply to any subdivision, plat or plan for which approval is sought after the effective date of this ordinance. Further, the standards set out herein shall apply to any existing street which is reconstructed within the existing right-of-way.

Not less than three copies of such specifications and standards, marked or stamped "Official Copy as Adopted by Ordinance No. 585", shall be filed with the City Clerk to be opened for inspection and available to the public during regular office hours. ORD. NO. 585 6-5-78

13-110. INVALIDATION. Sections, parts or portions of this ordinance which conflict with any other ordinance of the City of Leawood or statute of the State of Kansas shall be and hereby are declared to be invalid. ORD. NO. 585 6-5-78

13-111. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected. ORD. NO. 585 6-5-78

CHAPTER XIII. STREETS AND SIDEWALKS

ARTICLE 2. STREET NAMES AND NUMBERS

13-201. STREET NAMES. The streets within the City are hereby named or renamed in accordance with the names designated on the official City map.

CODIFICATION, 1970

13-201.1. The name of the following street within the City of Leawood is hereby changed, to wit:

Overbrook Road adjacent to Lots 13, 14, and 15 of Block 1, and Lot 1 of Block 2, on the First Plat of Hunter's Ridge, a subdivision of land in the City of Leawood, Johnson County, Kansas, is changed to Pembroke Lane

ORD. NO. 714 10-19-81

13-201.2. The City Clerk shall, upon publication of this ordinance in the official City newspaper, send a certified copy hereof to the Register of Deeds for recording.

The following shall also be advised: County Clerk, County Appraiser, County Treasurer, County Engineer, U.S. Postal Service, Fire Dispatcher's Office, Johnson County Sheriff's Office, Johnson County Emergency Medical Service, and utility companies.

ORD. NO. 714 10-19-81

13-202. STREET NUMBERS ASSIGNED TO LOTS. There is hereby assigned to each lot, part thereof, parcel or homesite within the City the number designated for such lot, part thereof, parcel or homesite on the official City map.

CODIFICATION, 1970

13-203. REVOCATION OF INCONSISTENT NAMES AND NUMBERS. Any street name or street number assigned or used by whatever authority or permission is hereby revoked insofar as it is inconsistent with the name designated for such street or the number designated for the particular lot, part thereof, parcel or homesite on the official City map.

CODIFICATION, 1970

ARTICLE 3. CUTTING OR TUNNELING STREETS

13-301. CUTTING OR TUNNELING OF PUBLIC STREETS. No person, firm or corporation shall make or cause to be made any cut, excavation or tunnel in, through or under any street, sidewalk, alley or other public place in the city for any purpose whatsoever without a permit therefor first being obtained from the city clerk.

14-1105

13-302. PERMIT. Rules and regulations for obtaining permits to cut, excavate or tunnel streets shall be as follows:

14-1106

a. No permit shall be issued unless an application be made in writing by the person desiring to make the cut, excavation or tunnel, accompanied by a map or diagram showing the location of the proposed cut, excavation or tunnel in such a manner that the house number or lot number in front of which said excavation, cut or tunnel is to be made shall be plainly indicated. The map or diagram shall also show the dimensions and character of the proposed cut, excavation or tunnel. The application shall set forth the purposes for which the cut, excavation or tunnel is made and any other information indicating the need therefor.
b. No permit for cuts in, or excavations through any paved portion of any street in the city shall be issued unless necessity therefor is shown and such necessity is certified by the street commissioner or city engineer before such permit is issued by the city clerk.
c. The application for permit shall be accompanied by certificates of insurance insuring the applicant with limits as follows:
   1. Public liability . . . . . $ 25,000.00 to any one person, & 50,000.00 for any one accident;
   2. Property damage 5,000.00

   Or by deposit of a bond in the penal sum of twenty-five thousand dollars ($25,000) in a form approved by the city attorney, conditioned that the principal thereunder shall save harmless and indemnify the city on account of damage to persons or property occurring by reason of any such excavation.

13-303. PERMIT FEES AND DEPOSITS. The sum of five dollars ($5) shall be charged for each and every permit. The further sum of one hundred dollars ($100) shall be placed on deposit with the city clerk to cover the costs of refilling or repaving by the city as set forth in 13-308. The cost of said work including inspection fees shall be paid out of said deposits and the surplus, if any, shall be returned by the city clerk upon approval of the street commissioner to the applicant not sooner than eighteen (18) months after the date of the last resurfacing work. The city clerk shall issue the permit after the permit fee and the deposit herein set forth have been paid and the requirements in section 13-302 have been met. Said permit shall not be assignable.

14-1107

a. No subsequent permits shall be issued to the same party unless the full cash deposit is maintained after any levies by the city may have been charged against it.
b. If the surface area of the proposed cut or excavation is greater than fifty square feet (50 sq. ft.) the deposit required shall be increased on the basis of one hundred dollars ($100) for each additional fifty square feet (50 sq. ft.) or fraction thereof of surface cut or excavated. If the proposed tunnel is greater than fifty (50) lineal feet, the deposit required shall be increased on the basis of fifty dollars ($50) for each additional fifty (50) lineal feet or fraction thereof of tunneling. Additional deposits for work involving

both cutting or excavating and tunneling shall be computed on the basis of one hundred dollars ($100) for each additional fifty feet (50') (square feet of excavating or cutting plus lineal feet of tunneling) or fraction thereof.

c. At the option of the person making the cut or tunnel and with the approval of the street commissioner, a performance bond of not less than one thousand dollars ($1,000) computed within the meaning of "b" above, guaranteeing the cost of repairing the affected areas for a period of at least eighteen (18) months after completion of the job, may be accepted as a substitute for the cash bond.

13-304. MANNER OF EXCAVATING AND TUNNELING. The person, firm or corporation making the cut, excavation or tunneling in any street, sidewalk, alley or public place shall cause the same to be done with the least possible injury to the street, sidewalk, alleys or public places and shall place the excavated material therefrom in such manner as to cause the least inconvenience to the public and to permit uninterrupted passage of water along the gutters. Broken pavement shall be completely removed from the site of the work. The excavation or trench shall have straight vertical sides and shoring, siding, and bracing shall be used to prevent cave-ins. No tunnel, bore, or any other subsurface excavation shall be made, constructed or placed so that any portion or point of it lies closer than two feet (2') to the overlying surface of the pavement. In the event tunneling excavations exceed six inches (6") in diameter, backfilling shall be done by forcing sand, rock dust or other inert materials by means of air pressure to fill all voids left by the tunneling operation. Police, fire and street department officials shall be notified when a road, street, alley or boulevard is blocked or opened to traffic.

13-305. REFILLING OF CUTS AND TUNNELS. The refilling of all cuts, excavations or tunneling made in, through or under any street, sidewalk, alley or other public place in the city shall be performed by the person making the cut, excavation or tunneling in the following manner only after notification to and to the satisfaction of the city engineer and in accordance with existing specifications. Earth or other suitable fill material shall be placed in six inch (6") layers and compacted to a density of at least equal to the adjacent undisturbed soil. The top twelve inches (12") of the fill shall be ninety percent (90%) of maximum density as determined by the Standard Proctor Compaction Test. Compaction tests when deemed advisable by the city engineer shall be ordered by him and shall be performed under his supervision at the cost of the contractor performing the backfilling.

13-306. CLEAN UP. Within five (5) working days after completion of pavement repairs or any portion thereof, all equipment debris and surplus excavated materials shall be completely removed from the site.

13-307. MARKING EXCAVATION. Every person, firm or corporation who shall for any purpose make or cause to be made any excavation in, upon, under, or adjoining any street, sidewalk, alley, or other public place, and shall leave any part or portion thereof open, or shall leave any part or portion thereof obstructed with rubbish, building or other material during the nighttime, shall cause the same to be enclosed with good, substantial and sufficient barriers not less than three feet (3') high and shall cause one (1) red light or pot torch to be securely and conspicuously posted in or near such excavation, building material, or

obstruction. If such obstruction extends over ten feet (10') and less than fifty (50') in length, two (2) red lights or pot torches shall be placed one (1) at each end. One (1) additional red light or pot torch shall be placed for each additional fifty feet (50') of obstruction or part thereof; all such lights or torches shall be lit from sunset to sunrise.

Whenever a person shall excavate the full width of any street, alley, sidewalk or public place, he shall maintain a substantial walkway or driveway across aaid excavation until it is refilled.

13-308. REPLACEMENT OF STREET. The replacement of all pavement and resurfacing including the fill and base course shall be performed by the person making the cut, excavation or tunneling within five (5) days exclusive of Saturdays, Sundays and holidays after the refilling of the excavation. The resurfacing material shall match the general surfacing in quality and appearance and shall be approved upon completion by the city engineer.

a. In the event the fill and pavement replacement is disapproved by the city engineer, or in the event of subsequent deterioration of the surface due to the cut, excavation or tunnel, within a period of eighteen (18) months following initial replacement, the public works superintendent shall request the person making such cut, excavation or tunnel to repair said defect, and if within a reasonable time, repairs are not commenced and diligently prosecuted to completion, the public works department shall repair said defect and levy the cost of said repairs against the deposit set forth in section 13-303.
b. Repairing by the street department of the city shall be computed on the basis of cost of labor, materials and equipment used within a minimum charge of ten dollars ($10) for each cut, excavation or tunnel.

13-309. PROVISIONS APPLICABLE TO STREET AREAS. The provisions of this article shall apply to all paved surfaces, including curbs and sidewalks, the areas beneath them and to all unpaved shoulders or parkways lying within two and one-half feet (2 1/2') of such paved surfaces owned by the city.

13-310. EMERGENCY CUTS. Cuts and excavations may be made by or in behalf of any public utility without prior permit or deposits when necessary, in the opinion of such utility, to prevent loss or damage to property or life: Provided, That

a. Such utility immediately notify the police department that such cut is being made; and
b. Such utility obtain a permit and make the deposits required not later than the next business day following any such cut or excavation.

13-311. DEPOSITING OF MATERIAL IN CURBS AND GUTTERS AND EXCEPTIONS. No person, firm or corporation shall cause or permit the curbs and gutters in the city to be filled with any material which tends to restrict or divert the flow of water therein except that the street commissioner or his duly authorized representative may upon request grant written permission for exception thereto.

13-312. FORM OF REQUEST. Request for permission for such exception shall be made in person at the city hall by the property owner. The street commissioner or his duly authorized representative may grant such permission for exception hereto upon the property owner signing the following form:

ARTICLE 3. CUTTING OR TUNNELING STREETS

"I hereby acknowledge receipt of a copy of the street department's specifications pertaining to the filling of city streets, curbs and gutters. I further understand that the street department may, if it deems necessary, remove such fill material in whole or in part."

_____

Address: _____

I hereby grant permission for filling the curb and gutter at the above address

_____

Street Commissioner

13-313. 14-113 REMOVAL OF EXISTING SIDEWALKS. No person, firm, or corporation shall use any part of a sidewalk for driveway purposes unless such sidewalk has been removed to the next expansion joint beyond said driveway on either side and replaced with a six inch (6") concrete sidewalk on that portion of the sidewalk to be used for driveway purposes, with a proper base all reinforced with wire mesh not smaller than No. 10 wire and not larger than six inch (6") squares. In lieu of removing the existing sidewalk to the next expansion joint adjacent to said sidewalk, said sidewalk may be sawed with a cement saw and reinstalled as set forth above.

13-314. 14-114 CONSTRUCTION OF DRIVEWAY AND REPLACEMENT OF SIDEWALK. No driveway shall be poured at the same time the sidewalk area is repoured, unless a dummy joint is installed along either edge of the sidewalk abutting said driveway at least one and one-half inches (1 1/2") deep.

13-315. PENALTY. Any violation of the requirements of this chapter shall be deemed to constitutethe public offense of maintaining a public nuisance and/or permitting a public nuisance. (See section 10-309, 310, 315 of this code)

ARTICLE 4. PARADE REGULATIONS

13-401. DEFINITIONS. As used in this article, the words and phrases herein defined shall have the following meanings:

a. Parade is any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in the city;
b. Parade Permit is a permit as required by this article;
c. Person is any person, firm partnership, association, corporation, company or organization of any kind.

13-402. PERMIT REQUIRED. No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the city marshal-chief of police.

a. Exceptions. This article shall not apply to:
   1. Funeral processions;
   2. Students going to and from school classes or participating in educational activities: Provided, That such conduct is under the immediate direction and supervision of the proper school authorities;
   3. A governmental agency acting within the scope of its functions.

13-403. PROCEDURE. A person seeking issuance of a parade permit shall file an application with the city marshal-chief of police on forms provided by such officer.

a. Filing Period. An application for a parade permit shall be filed with the city marshal-chief of police not less than forty-eight (48) hours before the date on which it is proposed to conduct the parade.
b. Contents. The application for a parade permit shall set forth the following information:
   1. The name, address and telephone number of the person seeking to conduct such parade;
   2. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization;
   3. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
   4. The date the parade is to be conducted;
   5. The route to be traveled, the starting point and the termination point;
   6. The approximate number of persons, animals and vehicles that will constitute such parade; the type of animals and description of the vehicles;
   7. The hours when such parade will start and terminate;
   8. A statement as to whether the parade will occupy all or only a portion of the width of the streets to be traversed;
   9. The location by streets of any assembly areas for such parade;
   10. The time at which units of the parade will begin to assemble at any such assembly area or areas;
   11. The interval of space to be maintained between units of such parade;
   12. If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the city marshal-chief of police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.

13. Any additional information which the city marshal-chief of police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

c. Late Applications. The city marshal-chief of police, where good cause is shown, shall have the authority to consider any application hereunder which is filed less than forty-eight (48) hours before the date such parade is proposed to be conducted.

d. Fee. There shall be paid at the time of filing the application for a parade, permit fee of ten dollars ($10).

13-404. STANDARDS FOR ISSUANCE. The city marshal-chief of police shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

a. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

b. The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;

c. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;

d. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

e. The conduct of such parade will not interfere with the movement of firefighting equipment enroute to a fire;

f. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;

g. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute;

h. The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

13-405. NOTICE OF REJECTION. The city marshal-chief of police shall act upon the application for a parade within reasonable time after the filing thereof.

13-406. APPEAL PROCEDURE. Any person aggrieved shall have the right to appeal the denial of a parade permit to the governing body. The appeal shall be taken within ten (10) days after notice.

13-407. ALTERNATIVE PERMIT. The city marshal-chief of police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within ten (10) days after notice of the action of the city marshal-chief of police, file a written notice of acceptance with the city marshal-chief of police. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under this article.

ARTICLE 4. PARADE REGULATIONS

13-408. NOTICE TO CITY AND OTHER OFFICIALS. Immediately upon the issuance of a parade permit, the city marshal-chief of police shall send a copy thereof to the following:

a. Mayor;
b. City Manager;
c. City Clerk;
d. City Attorney;
e. City Engineer;
f. Fire Chief.

13-409. CONTENTS OF PERMIT. Each parade permit shall state the following information:

a. Starting time;
b. Minimum speed;
c. Maximum speed;
d. Maximum interval of space to be maintained between the units of the parade;
e. The portions of the streets to be traversed that may be occupied by the parade;
f. The maximum length of the parade in miles or fractions thereof;
g. Such other information as the city marshal-chief of police shall find necessary to the enforcement of this article.

13-410. DUTIES OF PERMITTEE. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

a. Possession of Permit. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

13-411. PUBLIC CONDUCT DURING PARADES. The following rules and regulations shall be observed by the public during parades;

a. Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or any parade assembly or with any person, vehicle or animal participating or used in a parade.
b. Driving through Parades. No driver of a vehicle, streetcar or trackless trolley shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
c. Parking on Parade Route. The city marshal-chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The city marshal-chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this article.

13-412. REVOCATION OF PERMIT. The city marshal-chief of police shall have the authority to revoke a parade permit issued hereunder upon applications of the standards for issuance as herein set forth.

13-413. PENALTY. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount of one hundred dollars ($100) or by imprisonment in the county or city jail for a period of three (3) months or by both such fine and imprisonment for each offense.

ARTICLE 5. HEDGES, TREES AND SHRUBS

13-501. INJURING TREES AND SHRUBS. No person shall willfully break, cut, take away, destroy, injure, mutilate, or attempt to willfully break, cut, take away, destroy, injure or mutilate any tree, shrub, vine, flower or landscaping standing, growing, or being upon the premises in the possession of another, or growing on any public ground, street, sidewalk, promenade or park in the city, except as hereinafter provided.

13-502. FIRE HYDRANTS, PLANTINGS ADJACENT TO. No person shall plant or cause to be planted nor allow to grow upon property owned by him any shrubs, trees, or plantings of any kind within ten feet (10') of any fire hydrant in the city, in order that every fire hydrant shall be in full view day or night, to fire apparatus approaching from any direction.

13-503. TREES; DISEASED. All elm trees affected by the Dutch Elm Tree disease which have substantial portions thereof dead or dying and all dead trees, erect or fallen, and the branches thereof, whether elm or otherwise, on any private property or in the parking areas abutting on any public sidewalk or street are hereby declared to be a nuisance affecting the health, welfare and safety of the inhabitants of the city. The maintenance of any tree in the above condition is hereby forbidden.

13-504. OBSTRUCTING VIEW BY PLANTINGS, PROHIBITED. No person shall plant or cause to be planted nor allow to grow upon property owned by him any tree, shrub, or planting of any kind that so extends into the right-of-way of any public thoroughfare so as to constitute an obstruction in the line of sight of any person traveling thereon in any direction.

13-505. NOTIFICATION OF NUISANCE. The owner or owners of any property upon which a nuisance exists as defined in sections 13-502, 13-503 and 13-504 hereof shall abate the same within thirty (30) days after written notice to abate such nuisance has been given. The city clerk shall send a notice by certified mail to the owner or owners of record of said property at the address or addresses shown on the tax rolls of Johnson County, Kansas, stating that a nuisance exists and describing the same.

13-506. FAILURE TO ABATE NUISANCE. Upon failure of the owner to abate such nuisance within said period of thirty (30) days, the governing body may abate the same and assess the cost thereof against the property upon which the nuisance exists. Upon the failure of the owner to satisfy the claim of the city for the abatement of the nuisance within thirty (30) days of the date of presentation thereof, the city clerk shall certify to the county clerk the costs to be assessed as a special tax against the property and entered upon the rolls of the county.

13-507. PENALTY. Any violation of the requirements of this chapter shall be deemed to constitute the public offense of "Maintaining a Public Nuisance" and/or "Permitting a Public Nuisance."

ORDINANCE NO. 794

AN ORDINANCE DESIGNATING 143RD STREET BETWEEN STATE LINE ROAD AND NALL AVENUE AS A MAIN TRAFFICWAY.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

13-605. Section 1. That 143rd Street between State Line Road and Nall Avenue within the City of Leawood, Johnson County, Kansas, is hereby designated and established as a main trafficway pursuant to K.S.A. 12-685 and all acts amendatory thereto.

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/5/83 Second Reading: 12/19/83

Passed by the Governing Body this 19th day of December, 1983.

Approved by the Mayor this 20th day of December, 1983.

(S E A L)

Kent B. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

ORDINANCE NO. 836

AN ORDINANCE DESIGNATING MAIN TRAFFICWAYS WITHIN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

13-606. Section 1. The following streets within the City of Leawood, Kansas, are hereby designated and established as main trafficways pursuant to K.S.A. 12-685 and all acts amendatory thereto:

State Line Road, as it is within the City of Leawood

135th Street (Highway K-150), as it is within the City of Leawood

119th Street, between State Line Road and Mission Road, and between Roe Avenue and Nall Avenue

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 11/5/84 Second Reading: 11/19/84

Passed by the Governing Body this 19th day of November, 1984.

Approved by the Mayor this 19th day of November, 1984.

(S E A L)

Kent E. Crispin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

CHAPTER XIII. STREETS AND SIDEWALKS

ARTICLE 6. STREETS DESIGNATED AS MAIN TRAFFICWAYS

13-601. The following streets within the City of Leawood, Kansas are hereby designated as main trafficways:

Lee Boulevard
103rd Street
Mission Road
123rd Street

pursuant to K.S.A. 12-685. ORD. NO. 453 4-15-74

13-602. That 95th Street as it is within the City of Leawood, Kansas is hereby designated and established as a main trafficway pursuant to K.S.A. 12-685 and all acts amendatory thereto. ORD. NO. 464 9-16-74

13-603. That College Boulevard (111th Street) and Roe Avenue as they are within the City of Leawood, Kansas, are hereby designated and established as main trafficways pursuant to K.S.A. 12-685 and all acts amendatory thereto. ORD. NO. 702 6-15-81

13-604. That 119th Street between Mission Road and Roe Avenue within the City of Leawood, Johnson County, Kansas, is hereby designated and established as a main trafficway pursuant to K.S.A. 12-685 and all acts amendatory thereto. ORD. NO. 737 4-5-82

add 13-605
13-606

XIV. TRAFFIC OFFENSES

CHAPTER XIV. TRAFFIC OFFENSES

ARTICLE 1. TRAFFIC REGULATIONS: STANDARD

14-101. STANDARD TRAFFIC ORDINANCE INCORPORATED BY REFERENCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Leawood, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 1982, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3301 and K.S.A. 12-3302 and K.S.A. 12-3009 through 12-3012. Not less than three (3) copies of said "Standard Traffic Ordinance" shall be marked or stamped "Official Copy as Incorporated by Reference by Section 14-101 of the Ordinances of the City of Leawood", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge, and all administrative departments of the City charged with the enforcement of the ordinances shall be supplied, at the cost of the City, such number of official copies of such "Standard Traffic Ordinance" similarly marked, deleted and changed as may be deemed expedient.

14-102. ARTICLE 7, SECTION 33, MAXIMUM SPEED LIMITS. Said Article 7, Section 33, is hereby deleted and the following enacted in lieu thereof:

(a) Except when a special hazard exists that requires lower speed for compliance with Section 32 of said "Standard Traffic Ordinance", the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:

(1) All vehicles twenty (20) miles per hour in any business district.
(2) All vehicles twenty (20) miles per hour in any park under the jurisdiction of this City.
(3) All vehicles twenty (20) miles per hour during those hours when students are going to and from school of any day school is in session, upon streets and/or parts of streets abutting school property and adjacent to school crosswalks designated as school zones; provided that appropriate signs are erected giving notice of such speed limits and the times said limits are in force, said times to be determined by the Chief of Police with consent of the Council.
(4) All vehicles twenty-five (25) miles per hour in any residential district and on other streets within the City except where modified by engineering and traffic investigation as provided hereafter in subsection (b) of this section.

The maximum speed limit established by or pursuant to this paragraph shall be of force and effect regardless of whether signs are posted giving notice thereof and notwithstanding any signs giving notice of maximum speed limits in excess thereof, and any sign giving notice of a maximum speed limit in excess of the limits established by or pursuant to this paragraph shall not be of any force or effect, subject to the following exception.

(b) Whenever the Chief of Police shall determine upon the basis of an engineering and traffic investigation that any speed limit herein set forth is greater or less than is reasonable or safe under the conditions found to exist, the Governing Body shall declare by resolution a reasonable and safe speed limit consistent with applicable state and local statutes which shall be effective at all times or during daytime or nighttime or at such other times as may be determined when appropriate signs giving notice thereof are erected pursuant to Council action and K.S.A. 8-1560 and 8-2002. It shall be unlawful for any person to drive a vehicle at a speed in excess of such declared maximum limits.

(c) No person shall drive a school bus to or from school or interschool or intraschool functions or activities at a speed greater than forty-five (45) miles per hour on any roadway having dirt, sand or gravel surface, and in no event shall a school bus be driven to and from school or activities in excess of fifty-five (55) miles per hour, notwithstanding any maximum speed limit in excess thereof. The provisions of this subsection shall also apply to buses used for the transportation of students enrolled in community junior colleges or area vocational schools when such buses are transporting students to or from school functions or activities.

14-103. ARTICLE 7, SECTION 37. The title of said Article 7, Section 37 is hereby changed to read as follows: Racing on Highways; "Drag Race", "Racing", "Exhibition of Speed or Acceleration"

14-104. ARTICLE 17, SECTION 178 (c) (3). Said Article 17, Section 178 (c) (3) is hereby deleted and the following enacted in lieu thereof:

(3) Pneumatic tires having metallic or non-metallic studs designed to improve traction without materially injuring the surface of the highway. Any such tires must be approved by the State Highway Commission pursuant to duly adopted rules and regulations, and their use limited from November 1 to April 15, on only such vehicles as approved by the State Highway Commission.

14-105. ARTICLE 20, SECTION 197. Said Article 20, Section 197, is hereby deleted and the following enacted in lieu thereof:

> It is unlawful for any person to violate any of the provisions of this chapter. Upon conviction, any person violating a provision of this chapter shall be deemed to be guilty of a misdemeanor.
>
> Except when a different penalty is specified, every person convicted of a violation of any of the provisions of this chapter shall be punished for first conviction thereof by a fine of not more than one hundred dollars ($100) or by imprisonment for not more than ten (10) days; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than two hundred dollars ($200) or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment for not more than six months or by both such fine and imprisonment.

14-106. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected. In addition, any conflict between similar sections of local ordinance and the "Standard Traffic Ordinance" shall be resolved in all cases by reference to the "Standard Traffic Ordinance".

ORD. NO. 763 12-20-82

ORDINANCE NO. 819

AN ORDINANCE RELATING TO THE REGULATION OF TRUCK TRAFFIC WITHIN THE CITY, AND REPEAL OF SECTIONS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTIONS. Section 1. Sections 14-204 and 14-204.1 of Revised Ordinances, as originally adopted by Ordinance No. 756, are hereby repealed and the following enacted in lieu thereof:

14-204. REGULATION OF TRUCK TRAFFIC. Section 2. Regulations of truck traffic in the City of Leawood shall be as follows:

a. Regulation of truck traffic. No vehicle or truck, including trailers or attachments, carrying a manufacturer's rating of one (1) ton or more, other than those carrying passengers or constructed to carry passengers, shall be allowed to enter the City of Leawood, except for vehicles carrying goods, merchandise, building material or other articles to be delivered in the City: Provided, that there are signs setting forth the regulation posted upon the streets of entry into the City.

b. Exceptions. The following streets shall be exempt from the above regulations, to wit: State Line Road, Somerset Drive, 103rd Street, I-435, K-150, Mission Road from 103rd Street north, Nall, Roe, and 119th Street from Mission Road to Roe Avenue.

14-204.1. VALIDITY OF ORDINANCE. Section 3. Should any paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

TAKE EFFECT. Section 4. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 7/2/84 Second Reading: 7/2/84

Passed by the Governing Body this 2nd day of July, 1984, the Council having deemed this to be an emergency matter.
Approved by the Mayor this 2nd day of July, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ARTICLE 2. TRAFFIC REGULATIONS: LOCAL

14-201. PROHIBITED DRIVING AREAS. Prohibited driving areas in the City shall be as follows:

a. Trespass by motor vehicle. No person shall operate a motor vehicle over private property of another except a driveway as defined in section 14-101, and then only with the express or implied permission of the owner.

b. Over curbs. No person shall drive any vehicle over or across any curb on any of the streets or boulevards of the City of Leawood except where a driveway has been constructed and except at building or construction sites when a building permit has been issued. CODIFICATION OF 1970

14-202. UNAUTHORIZED RIDES. No person shall ride in or on any vehicle without the consent of the driver. CODIFICATION OF 1970

14-203. MOLESTING VEHICLES. No unauthorized person shall interfere with or molest any vehicle. CODIFICATION OF 1970

14-204. REGULATION OF TRUCK TRAFFIC. Regulations of truck traffic in the City of Leawood shall be as follows:

a. Regulation of truck traffic. No vehicle or truck, including trailers or attachments, carrying a manufacturer's rating of one (1) ton or more, other than those carrying passengers or constructed to carry passengers, shall be allowed to enter the City of Leawood, except for vehicles carrying goods, merchandise, building material or other articles to be delivered in the City: Provided, That there are signs setting forth the regulation posted upon the streets of entry into the City.

Repealed by Ord 819

b. Exceptions. The following streets shall be exempt from the above regulations, to wit: State Line Road, Somerset Drive, I-435, K-150, Mission Road from 103rd Street north, Nall, Roe, and 119th Street from Mission Road to Roe Avenue.

c. Prohibitions and Limitations. Pursuant to the authority granted by K.S.A. 8-1912(c) and 8-202, Subsection 14, the operation of trucks or other commercial vehicles exceeding four (4) tons is prohibited on the following street, provided, that properties adjacent to this section of roadway may be served by vehicles carrying goods, merchandise, building material or other articles to be delivered: 119th Street, Mission Road to Roe Avenue.

The prohibitions and limitations set forth herein shall be designated by appropriate signs placed on the street. ORD. NO. 756 8-16-82

14-204.1. VALIDITY OF ORDINANCE. Should any paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected. ORD. NO. 756 8-16-82

14-205. PUSHING VEHICLES. No vehicle shall be pushed for a distance exceeding three hundred feet (300') nor at a speed exceeding twenty miles per hour (20 mph). CODIFICATION OF 1970

14-206. BRIDGE WEIGHT RESTRICTIONS. Upon recommendation of the City Engineer with respect to bridges under the jurisdiction of the City of Leawood, Kansas, the Governing Body may by resolution impose restrictions as to the maximum gross weight of vehicles operated thereon: Provided, That no such restriction shall be effective unless signs giving notice thereof are erected upon or adjacent to the bridge to which such restriction applies. CODIFICATION OF 1970

14-207. REPEALED BY ORDINANCE #463, September 3, 1974.

ARTICLE 2. TRAFFIC REGULATIONS: LOCAL

14-208. RESTRICTIONS ON USE OF CONTROLLED-ACCESS FACILITY OR ROADWAY SIGNS. The Governing Body, by ordinance,may regulate or prohibit the use of any controlled-access facility or roadway under their respective jurisdictions, by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

The State Highway Commission or local authority adopting any such prohibitory regulation shall erect and maintain official traffic control devices on the controlled-access facility or roadway on which such regulations are applicable, and when so erected no person shall disobey the restrictions stated on such devices.

14-209 and 14-210. REPEALED BY ORDINANCE NO. 463, 9/3/74.

14-211 and 14-211.5. REPEALED BY ORDINANCE NO. 763, 12/20/82.

14-212. REPEALED BY ORDINANCE NO. 674, 5/5/80.

14-213. REPEALED BY ORDINANCE NO. 763, 12/20/82.

14-213.3 DRIVER'S LICENSE REQUIRED. No person shall drive any motorized bicycle upon a highway of this State or upon a public street in this City unless:

(1) Such person has a valid driver's license which entitles the licensee to drive a motor vehicle in any class or classes; or

(2) Such person is at least fourteen (14) years of age and has passed the written and visual examinations required for obtaining a Class C driver's license, in which case the Division of Motor Vehicles shall issue to such person a Class C license which clearly indicates such license is valid only for the operation of motorized bicycles.

ORD. NO. 601 8-7-78

14-213.4 REGISTRATION AND LICENSE REQUIRED. It shall be unlawful to operate, or for the owner thereof knowingly to permit the operation, upon any highway or public street of this City of a motorized bicycle, as defined above, which is not registered and does not display thereon the number plate or plates assigned thereto by the Division of Motor Vehicles for the current registration year, including any registration decal required to be affixed to any numbered plate pursuant to K.S.A. 8-134.

ORD. NO. 601 8-7-78

ARTICLE 2. TRAFFIC REGULATIONS: LOCAL

14-214 PENALTY. Every person convicted of a violation of any of the provisions of this article shall for first conviction thereof be punished by fine of not more than one hundred dollars ($100), or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year thereafter such person shall be punished by a fine of not more than two hundred dollars ($200), or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year after the first conviction such person shall be punished by a fine of not more than five hundred dollars ($500), or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

1-1-84:
~~1-11-84~~
This is being
enforced
Inc

ARTICLE 3. PARKING

14-301. ANGLE PARKING. Angle parking except where driveways exist shall be permitted as follows:

a. On the east side of Lee Boulevard in front of the city hall and in front of the adjoining parking lot to the south;

b. On the west side of Lee Boulevard, except where driveways exist, adjacent to the north forty-five feet (45') of Lot 67 Leawood, and from the north line of Lot 67 Leawood, an additional two hundred thirteen feet (213') northwards, adjacent to portions of Lots 68, 69 and 70 Leawood, measured at the edge of the right of way: Provided, That nothing in this section shall be construed to permit the parking of other than private passenger vehicles;

c. On the south side of Somerset Drive adjacent to Lots 69 and 70 Leawood.

CODIFICATION, 1970

14-302. TRUCKS, BUSES, AND TRAILERS: DEFINITIONS.

1. TRUCK: Any self-propelled motor vehicle designed for or used for the transportation or delivery of freight and merchandise with a gross weight in excess of three-quarter ton.
2. BUS: A self-propelled motor vehicle designed for or used for the transportation of passengers exceeding any of the following: Twenty-five (25) feet in overall length, or eight (8) feet in height, or gross weight of 3,000 pounds per axle.
3. TRAILER: A vehicle without motive power designed for or used for the carrying of property or containing living quarters exceeding any of the following: Twenty-five (25) feet in length, eight (8) feet in height, or gross weight of 3,000 pounds per axle. ORD. NO. 573 1-16-78

14-302.1 PARKING OF TRUCKS, BUSES, AND TRAILERS. No person shall park any of the named vehicles in 14-302 on any street of the City, or upon any lot, improved or unimproved, in a residential area of the City except for the purpose of making a delivery or pickup provided such vehicles are not left continuously parked between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M. and except for parking of recreational vehicles as provided in 10-805 and 10-806. ORD. NO. 573 1-16-78

14-303. PARKING LIMITATION. No person shall park or place any vehicle upon the streets, alleys, boulevards or other publicways continuously for a period of more than twenty-four (24) hours. The police department may cause such vehicles parked in excess of twenty-four (24) hours to be removed and impounded. Vehicles may be released only after bond has been made for appearance in municipal court and payment of towing and storage fees.

CODIFICATION OF ORDINANCES, 1970

14-304. NO PARKING AT ANY TIME. Parking of vehicles on State Line Road within the city is hereby prohibited.

CODIFICATION, 1970

14-304.1 NO PARKING AT ANYTIME. Parking of vehicles north of 95th Street on Mission Road within the City is hereby prohibited.

ORD. NO. 573 1-16-78

~~Add 14-304.2, Ord 591~~

ARTICLE 3. PARKING

14-304.2. NO PARKING AT ANY TIME. Parking of vehicles on 89th Street, from State Line Road to Dykes Branch of Indian Creek, is hereby prohibited.

ORD. NO. 591 7-3-78

14-304.3. NO PARKING AT ANY TIME. Parking of vehicles on the north side of 96th Street between Lee Boulevard and State Line Road within the City is hereby prohibited.

ORD. NO. 616 12-4-78

14-304.4. NO PARKING AT ANY TIME. Parking of vehicles on 97th Street between Lee Boulevard and High Drive within the City is hereby prohibited.

ORD. NO. 616 12-4-78

ARTICLE 3. PARKING

14-305. SIGNS. Signs shall be erected and maintained giving notice of such prohibited parking. CODIFICATION, 1970

14-305.1. Requests can be made to the Police Department for installation of temporary "No Parking" signs for special occasions, to handle parking for unusual crowds, but only if 72 hours advance notice is given, to provide ample time for the departments involved to handle the details. In the event ample notice is not given and employee overtime is involved, such overtime will be charged to the citizen requesting such signs, unless waived by Chief of Police to expedite public safety provisions.
ORD. NO. 575 2-21-78

14-306. RAMP PARKING. Parking of vehicles on Lee Boulevard is hereby prohibited from the south lot line of Lots 1322 and 1328 Leawood Estates south to Indian Creek, the same being the ramps and elevated access to Leawood Park.

14-307. BUS STOPS. The Governing Body shall designate and establish by resolution zones or areas on the public streets for the stopping of buses for the safe and convenient loading and unloading of passengers.

14-308. PARKING AND STANDING OF BUSES. The driver of a bus shall not stand or park the same upon any street in any business district at any place other than at a bus stop, except that this provision shall not prevent the driver of any school bus from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

14-309. OBEDIENCE BY DRIVERS OF OTHER VEHICLES. No person shall stop, stand or park a vehicle other than buses in a bus stop when any such stop has been officially designated and appropriately signed: Provided That the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus waiting to enter or about to enter such zones. CODIFICATION, 1970

14-310. PARKING IN YARDS OR PARKWAYS. In areas which are primarily residential in nature or specifically zoned R-1, no parking shall be permitted in the front, rear, or side yard except for recreational vehicles as provided for in Section 10-805,B, and except that parking of motor vehicle passenger cars, trucks 3/4 ton or less, motorcycles, and temporary parking of recreational vehicles as provided for in Section 10-806 shall be permitted on the hard surfaced driveways of single family residences.
ORD. NO. 573 1-16-78

14-311. REPEALED BY ORDINANCE NO. 692, 4-6-81.

ARTICLE 3. PARKING

14-312. REPEALED BY ORDINANCE NO. 692, 4-6-81.

14-313. REPEALED BY ORDINANCE NO. 692, 4-6-81.

14-314. REPEALED BY ORDINANCE NO. 692, 4-6-81.

14-315. REPEALED BY ORDINANCE NO. 692, 4-6-81.

14-316. ADMINISTRATIVE PROCEDURE. Whenever an informal complaint is made to City Administration or notice is given of the existence of an apparent violation of this article, written notice shall be given within seven (7) days thereafter to the person in possession or the owner of the real property on which such inoperable vehicle is located. Such notice shall inform such person of the violation and direct that action be taken to comply within seven (7) days after date of such notice with the provisions of Section 14-311 through Section 14-315, or prosecution will be commenced for violation thereof.

ORD. NO. 573 1-16-78

14-317. ZONING PROVISIONS CONTROL. Nothing in this article is intended to amend, modify or repeal any provisions of the Model Zoning Code and Subdivision Regulations as adopted by Ordinance No. 439, August 20, 1973, and all subsequent amendments and editions, and in the event the provisions, regulations or restrictions on the placemnet of inoperable vehicles in such ordinance are more restrictive than those provided herein the provisions, regulations or restrictions in such ordinance shall prevail and control.

ORD. NO. 573 1-16-78

ARTICLE 3. PARKING

14-318. PENALTY. Any person, firm or corporation violating, disobeying, neglecting or refusing to comply with the provisions of Article 3, Section 301 and all sections following, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by (a) a fine of not less than five dollars ($5) nor more than five hundred dollars ($500), and/or (b) confinement in the County jail for a period not to exceed three (3) months. Each day's violation thereof shall constitute a separate offense. ORD. NO. 573 1-16-78

14-319. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected. ORD. NO. 573 1-16-78

ARTICLE 4. RESTRICTED DRIVER'S LICENSE

14-401. RESTRICTED DRIVER'S LICENSE. Any person who is under the age of sixteen (16) years and is at least fourteen (14) years of age upon the written application of the parents or guardian of said minor must submit any application for a Kansas driver's license to the Chief Law Enforcement Officer of the City. The Chief Law Enforcement Officer of the City may recommend the issuance of a driver's license provided that the parent or guardian shows necessity for the issuance of such license. The Chief Law Enforcement Officer upon making a recommendation of the application for driver's license must forward the recommendation with the application to the Division of Vehicles. ORD. 625 1-15-79

XV. ZONING CODE

CHAPTER XV. ZONING REGULATIONS

ARTICLE 1. ADOPTION

15-101. ZONING ORDINANCE, INCORPORATION BY REFERENCE. There is hereby incorporated by reference pursuant to K.S.A. 1977 Supp. 12-3009, K.S.A. 1977 Supp. 12-3010 and K.S.A. 1977 Supp. 12-3301, for the purpose of providing zoning regulations within the City of Leawood, Kansas all of the regulations contained in that document hereafter known and referred to as the "Zoning Ordinance of Leawood, Kansas, April 17, 1978".

Not less than three (3) copies of such Zoning Ordinance, City of Leawood, Final Revised Edition, April 17, 1978, marked or stamped "Official Copy" as incorporated by the ordinances of the City of Leawood, Kansas, shall be filed with the City Clerk, to be open to inspection and available to the public during regular office hours, except that such official copies may not be removed from City Hall. City officials requiring the use of such Zoning Ordinance, shall be supplied at the expense of the City, such number of official copies of the Zoning Ordinance as may be deemed expedient by the Governing Body.

ORD. NO. 581 4-17-78

THE CHANGES INDICATED BELOW ARE NECESSARY TO COMPLY WITH CODIFICATION '84.

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ARTICLE 1. 15-101 PURPOSE AND AUTHORITY

The regulations contained in this ordinance are enacted to conserve the value of property in the City of Leawood and to the end that adequate light, air, convenience of access and safety from fire and other dangers may be secured, that congestion of the public streets may be lessened or avoided and that the public health, safety, comfort, convenience, morals and general welfare may otherwise be promoted in accordance with the comprehensive plan and other policies of the City of Leawood.

This Ordinance is adopted under the provisions of and by authority of K.S.A. 1972 Supp. 12-701 through 12-735 and any amendments thereto.

ARTICLE 2. 15-201 SHORT TITLE

These regulations shall be known and may be cited as the Zoning Ordinance of Leawood, Kansas.

ARTICLE 3. 15-301 DEFINITIONS

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense include the future; the singular number shall include the plural and the plural number includes the singular; the word "building" includes the word "structure" and the word "shall" is mandatory.

15-301-010 Accessory Building.

A subordinate building or a portion of the main building; the use of which is incidental to that of the main building or to the use of the premises.

15-301-020 Accessory Use.

A use of building or land which is incidental and subordinate to the main use of the premises.

15-301-030 Agriculture.

The planting, cultivating, harvesting and storage of grains, hay or other plants commonly grown in Johnson County Kansas. The raising and feeding of livestock and poultry shall be considered agriculture if the area in which the livestock or poultry is kept is ten acres or more in area and if such raising of livestock and poultry is incidental or supplemental to the raising of crops and shall not include stockyards or commercial feed lots. Storage of grain and equipment shall be limited to that raised or used in farming the premises.

15-301-040 Alteration.

Any addition, removal, extension, or change in the location of any exterior wall of a main building or accessory building.

15-301-050 Apartment.

A room or suite of rooms in a multiple dwelling intended or designed for use as a residence by a single family.

15-301-060 Apartment House.

A building arranged, intended or designed for more than two families.

15-301-070 Arterial.
Any street designated as such on the Major Street Plan for the City of Leawood, Kansas.

15-301-080 Basement.
A story having more than one-half its height below grade.

15-301-090 Block.
A piece or parcel of land entirely surrounded by public highways, streets (other than alleys), railway rights-of-way, parks or a combination thereof.

15-301-100 Boarding House or Lodging House.
A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

15-301-110 Board of Zoning Appeals.
The five member board appointed by the Mayor and with the consent of the City Council of the City of Leawood the purpose of which is to hear and decide appeals alleging error in interpretation or relief from hardship imposed by this ordinance.

15-301-120 Buffer Strip.
Areas of land,vacant or landscaped with screen plantings, or water, and used to separate incompatible or dissimilar land uses.

15-301-130 Building.
Any enclosed structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

15-301-140 Building, Attached.
A building having any portion of one or more walls in common with adjoining buildings.

15-301-150 Building, Detached.
A building having no portion of any wall in common with another building.

15-301-160 Building Line.
A line established generally parallel to the street line, between which line and the street line no part of a building shall project, except as otherwise provided in these regulations.

15-301-170 Campground.
That area of land available for the overnight or temporary parking of recreation vehicles which is in compliance with the zoning and other ordinances of the City.

15-301-180 Chief Building Official.
The enforcement officer responsible for technical review of building and other construction plans, issuance of building and land use permits, and enforcement of the various codes and ordinances relating to building construction and alteration in the City of Leawood.

15-301-190 City Architect.
The City Architect of Leawood, Kansas.

15-301-200 City Council.
The City Council of Leawood, Kansas.

15-301-210 City Engineer.
The City Engineer of Leawood, Kansas.

15-301-220 Club, Private.
A building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons or otherwise listed and enumerated persons.

15-301-230 Cluster Housing.
The site planning technique of grouping dwelling units around courts, parking areas, common open spaces and private drives as opposed to fronting all on a public street.

15-301-240 Collector Street.
A street,as designated on the Major Street Plan, which collects traffic from local streets and serves as the most direct route to a major facility.

15-301-250 Comprehensive Plan.
The official adopted Comprehensive Plan for the City of Leawood and amendments relating thereto.

15-301-260 Common Open Space.
A parcel or parcels of land, excluding street right-of-way, or an area of water or a combination of land and water within a development, designed and intended for use or enjoyment of residents and owners of the project. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the development.

15-301-270 Condominium.
A system of separate ownership of individual units in a multiple unit building or on a tract of undivided land.

15-301-280 Court.
An open, unoccupied space, other than yard, bounded on three or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

15-301-290 Curb Level.
The mean level of the curb in front of the lot or in case of a corner lot, along that abutting street where the mean curb level is the highest.

15-301-300 District, Zoning.
A section or sections of the City in which zoning regulations and standards are uniform as defined by boundaries on an official Zoning District Map and by this Ordinance.

15-301-310 Drive-In Establishment.

Any restaurant, financial institution, product vending enterprise or portion thereof where the patron does not enter and remain within a building during the transaction of his business. Food vending establishments where the food is not normally consumed within a building or where facilities are provided for eating outside a building, shall be included in this definition.

15-301-320 Dwelling.

Any building, or portion thereof, designed exclusively for residential occupancy and containing one or more dwelling units.

15-301-330 Dwelling, Senior Citizens.

A building or group of buildings containing dwelling units for persons of retirement age, which buildings and dwelling units are, in the majority, designed and intended for occupancy by persons in that age group.

15-301-340 Dwelling, Single Family.

A building designed for or occupied by one family.

15-301-350 Dwelling, Two-Family, or Duplex.

A building designed for or occupied exclusively by two families living independently of each other.

15-301-360 Dwelling, Multiple Family.

A building or portion thereof arranged, intended or designed for occupancy as a residence for three or more families living independently of each other.

15-301-370 Easement.

A grant by the property owner to the public, corporation or persons, of the access to and use of land for public purposes.

15-301-380 Facade.

The elevation of a building, front, side or rear. The front facade of a building shall be that side facing a street, courtyard or other area normally associated with the building frontage.

15-301-390 Family.

One person or a group of two or more persons living together and interrelated by bonds of consanguinity, marriage, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a common set of cooking facilities. The persons thus constituting a family may also include foster children and domestic servants.

15-301-400 Floor Area, Contributing.

A figure in square feet consisting of the total floor area in a business or office building, including basements, mezzanines, and upper floors, mechanical equipment rooms, stairways, elevator shafts, and washrooms, whether finished or not, measured from the centerline of joint partitions and from the exterior surface of outside walls. Pedestrian malls and service corridors which are common to several tenants in shopping centers shall not be included in this floor area calculation.

15-301-410 Floor Area, Finished.

The square foot area of all space within the outside line of exterior walls including the total area of all floor levels, but excluding porches, garages, or unfinished space in a basement or cellar.

15-301-420 Floor Area, Leasable.

The toal floor area which may be leased to a tenant for residential, commercial or industrial use exclusive of the area dedicated to mechanical equipment, stairwells, elevator shafts and central corridors.

15-301-430 Floor Area, Service.

The total floor area of a building exclusive of stairways, restrooms, storage rooms, hallways, or other areas which are not regularly used by visitors, clients, customers, patients or patrons in their normal every-day use of the building.

15-301-440 Flood Plain Zoning Map.

A map covering all areas in the City of Leawood which are deemed subject to flooding and so indicated on the Flood Insurance Rate Map published by the Flood Insurance Administration of the U.S. Department of Housing and Urban Development.

15-301-450 Floodway.

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100 year flood without cumulatively increasing the water surface elevation more than one foot at any point.

15-301-460 Floodway Fringe.

That area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e. that has a 1 percent chance of flood occurance in any given year).

15-301-470 Garage, Private.

A completely enclosed accessory building, either a part of, attached to or detached from a dwelling, and used for the keeping or storage of motor driven vehicles, which vehicles are the property of the occupants of the premises.

15-301-480 Garage, Public.

Any premises except those on residential property used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired or parked for remuneration, hire or sale.

15-301-490 Garage, Storage.

Any premises used exclusively for the storage of motor-driven vehicles.

15-301-500 Garden Apartment Building.

An apartment building located on a lot either singly or together with other similar apartment buildings generally one or two stories in height, and having grounds completely landscaped.

15-301-510 Group Home for Adults.

A residential facility for five or more persons, eighteen years of age or over, who have been institutionalized for various reasons and released, or who have or have had physical or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society (e.g., former convicts, alcoholics, drug addicts, mental patients, etc.).

15-301-520 Group Boarding Home for Minors.

A residential facility for five or more persons under 18 years of age who, for various reasons cannot reside in their natural home and where 24-hour adult care, supervision and consultation shall exist and which is licensed by the Kansas State Board of Health.

15-301-530 Height of Building or Structures.

Height means the vertical distance from the average ground level abutting a building or structure to its highest point. Height may be regulated by feet or stories and a story shall be equal to twelve feet for purposes of measuring structures other than buildings.

15-301-540 Hotel or Motor Hotel.

A building occupied as temporary lodging of individuals, in which there are forty (40) or more sleeping rooms usually occupied singly, with or without meals, and where there is no provision made for cooking in any individual room or suite.

15-301-550 Home Occupation.

Any occupation or profession carried on solely by a member of the immediate family, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main building; provided that no trading in merchandise is carried on and in which no advertising on the premises is used in connection therewith.

15-301-560 Inoperable Vehicle or Equipment or Parts Thereof.

A motor passenger vehicle, truck, bus, aircraft or other motorized equipment or machine which is not then in condition to be operated in a normal or customary manner, or any major parts thereof such as body, chassis, engine, frame or the trailer portion of a tractor-trailer rig.

15-301-570 Landowner.

The legal or beneficial owner or owners of a parcel or parcels of land, including the holder of an option or contract to purchase, or other persons having an enforceable proprietary interest in such land.

15-301-580 Landscaping.

The natural or improved ground surface, containing but not limited to grass, shrubs, flowers, trees, hedges, vines, earth berms, etc.

15-301-590 Lot.

A parcel of land occupied or intended for occupancy by one main building or group of buildings together with accessory structures, including open spaces and parking spaces and having its principal frontage upon a street. A lot, as used in this ordinance, may consist of one or more platted lots, or a tract or tracts as conveyed, or parts thereof.

15-301-600 Lot, Corner.
A lot abutting upon two or more streets at their intersection and which shall be deemed to front on that street on which the lot has its least dimension.

15-301-610 Lot, Depth of.
The mean horizontal distance between the front and rear lot lines.

15-301-620 Lot, Interior.
A lot whose sidelines do not abut upon any street.

15-301-630 Lot Lines.
The lines bounding a lot as defined herein.

15-301-640 Lot of Record.
A lot which is a part of a platted subdivision, the map of which has been recorded in the office of the Register of Deeds of Johnson County, Kansas; or a parcel of land, the deed to which was recorded in the office of the Register of Deeds prior to the adoption of this Ordinance.

15-301-650 Lot, Double Frontage or Through.
A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

15-301-660 Lot, Width.
The horizontal distance between side lot lines, measured at the front building line.

15-301-670 Major Street Plan.
The official, adopted Major Street Plan for the City of Leawood, Kansas and amendments relating thereto.

15-301-680 Mobile Home.
A factory-built structure more than eight feet in width, equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear, and designed to be used as a dwelling unit without permanent foundation. "Without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon may be moved from time to time at the convenience of the owner.

15-301-690 Mobile Home Park.
A tract of land devoted to the sole purpose of accommodating mobile homes on a permanent or semi-permanent basis.

15-301-700 Motel.
A building or buildings containing, on one undivided tract or parcel of land, a group of individual private units, each provided with separate sleeping room or rooms, having bath, lavatory and toilet facilities, designed to be used primarily for transient guests traveling by automobile.

15-301-710 Municipality.
"Municipality" shall mean the City of Leawood, Kansas.

15-301-720 Nonconforming Use, Building or Yard.
A lawful use, building or yard which does not, by reason of design, use, or dimensions, conform to the regulations of the district in which it is situated and existed as such on the date of the adoption of this ordinance.

15-301-730 One hundred-year Frequency Flood.
A general and temporary condition of partial or complete inundation of dry land areas from the overflow of streams, rivers or other inland water, that has a one percent chance of occurrence each year.

15-301-740 Open Space.
That space remaining on a lot which is not occupied by buildings, streets, parking areas or driveways. Open space may be either an area of land or water landscaped,planted with grass or designated for recreation use for occupants of the premises, but shall not include an enclosed mall or atrium.

15-301-750 Overlay District.
A district which acts in conjunction with the underlying district or districts.

15-301-760 Parking Space.
A permanently surfaced space, enclosed or unenclosed, to store one motor passenger vehicle plus the space necessary to gain ingress and egress.

15-301-770 Pedestrian Way.
A right-of-way, dedicated to public use, to facilitate pedestrian access to adjacent streets and properties.

15-301-780 Plan.
For the purpose of this Ordinance, the term "plan" shall refer to any sketch, preliminary or final drawing, showing the intended scheme of development of a parcel of land.

15-301-790 Planned Zoning District.
The zoning of a lot or tract to permit that development as specifically depicted on plans approved in the process of zoning that lot or tract.

15-301-800 Plan Commission, City.
The Plan Commission of the City of Leawood, Kansas.

15-301-810 Plat.
A map, plan or layout showing the subdivision of land and indicating the location and boundaries of individual lots and streets.

15-301-820 Premises.
A lot or tract of land and any structure located thereon.

15-301-830 Right-of-way.
A strip of land used for or intended to be used for street, utility, pedestrian or other public purpose the fee of which is vested in the public or a governmental body.

15-301-840 Sign.

For the purpose of this Ordinance, a sign shall be defined as any outdoor announcement, attention attracting device, documentation or insignia used for decoration, information, identification or to advertise or promote any business, product, activity, service or interest and including but not limited to the following:

Sign, Flashing: Any sign which is internally or externally illuminated by flashing, flowing, alternating, or blinking lights, including digital time and temperature devices.

Sign, Rotating: Any sign surface or sign structure or any portion thereof which rotates, moves or is animated.

Sign Structure: The support, upright bracing and framework for the sign.

Sign Surface: The entire area within a single continuous perimeter enclosing all elements of the sign which form an integral part of the display including the perimeter border.

Sign,Detached: Any sign located on the ground or on a structure or support located on the ground and not attached to a building.

Sign, Indirectly Illuminated: Any Sign which is partially or completely illuminated at any time by a light source which is so shielded as to not be visible at eye level.

Sign, Marquee: Any sign attached flat against or under the marquee or permanent sidewalk canopy of a building, but not on the upper surface of a marquee or canopy.

Sign, Projecting: A sign which extends more than one foot from the face of the building to which it is attached.

Sign, Roof: Any sign erected, constructed and maintained wholly upon or over the roof of a building and having the roof as a principal means of support.

Sign, Semi-Illuminated: Any sign located on a building which building face is uniformly illuminated over its entire area, including the area of the sign, by use of electricity or other artificial light.

Sign, Wall: Any sign attached to and erected parallel to and within one foot of the face or wall of a building, including signs painted on the walls of buildings.

Poster Panel, Junior Panel, Painted Bulletin: An outdoor advertising sign which normally depicts information not directly related to the property upon which it is located.

15-301-850 Stable, Private.

An accessory building and premises for the keeping of horses, ponies, mules or cows, owned by occupants of the premises, and not kept for remuneration, hire or sale.

15-301-860 Stable, Public.

A stable other than a private or riding stable as defined herein.

15-301-870 Stable, Riding.

A structure and premises in which horses or ponies, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire or sale.

15-301-880 Story.

That portion of a building, other than a basement, included between the floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above.

15-301-890 Story, Half.

A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

15-301-900 Street.

A right-of-way which affords the principal means of vehicular access to property abutting thereon.

15-301-910 Street Line.

The dividing line between a street right-of-way and the abutting property.

15-301-920 Structure.

Anything constructed or erected, at or below grade level, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground, which includes permanent signs, but not including sidewalks, retaining walls, driveways, patios, and fences.

15-301-930 Structural Alterations.

Any change in or to a structure which alters the supporting members of a building,such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls.

15-301-940 Substantial Repair.

A repair shall be deemed substantial when the amount of money needed for repair exceeds fifty percent of the before damage value of the structure.

15-301-950 Thoroughfare.

A major street as designated on the Major Street Plan for the City of Leawood, Kansas.

15-301-960 Trailer.

A vehicle other than a mobile home, equipped with wheels and normally towed over the road behind a motor vehicle.

15-301-970 Trailer, Advertising.

A trailer, as defined above, but carrying,or having attached thereto, a sign, billboard, or other media for advertising purposes, such advertising being the prime purpose and use of the trailer.

15-301-980 Trailer, Hauling.

A trailer, as defined above, and designed and normally used for over-the-road transportation of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.

15-301-990 Travel Trailer or Recreation Vehicle.

A portable structure mounted on wheels or on a motorized chassis, including converted buses, and which is normally used as sleeping quarters and shelter while travelling but not as a dwelling.

15-301-1000 Variance.

A deviation from the regulations or standards adopted by this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property, lot, structure, or premises for which the variance is sought.

15-301-1010 Yard.

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used. Where lots abut a street that is designated a major street on the major street plan, all yards abutting the street shall be measured from a line one-half the proposed right-of-way width from the centerline, or from the lot line, which ever provides the greater setback. On other lots all yards abutting a street shall be measured from a line twenty-five feet from the centerline, or from the lot line, whichever provides the greater setback.

15-301-1020 Yard, Front.

A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps, entrance-way, and drives.

15-301-1030 Yard, Rear.

A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projection other than steps, unenclosed balconies, drives and patios.

15-301-1040 Yard, Side.

A yard extending from the front lot line to the rear yard line, and being the minimum horizontal distance between the side lot line and the side of the main building or any projections thereof.

15-301-1050 Zoning District Map.

The official Zoning District Map of Leawood, Kansas illustrating the boundaries of the Zoning Districts.

15-301-1060 Zoning Ordinance.

The Zoning Ordinance for the City of Leawood, Kansas.

ARTICLE 4. DISTRICTS AND BOUNDARIES.

15-401 Zoning Districts.

In order to regulate and restrict the use of land and the erection, construction, reconstruction, alteration, moving or use of buildings, structures or land, the corporate area of Leawood, Kansas,is divided into thirteen zoning districts as follows:

District A	Agriculture
District R-1	Single Family Residential District
District RP-1	Planned Single Family Residential District
District RP-2	Planned Two Family Residential District
District RP-3	Planned Garden Apartment District
District RP-4	Planned Cluster Residential District
District RP-5	Planned Apartment House District
District RP-6	Planned High Rise Apartment District
District CP-0	Planned Non-Retail Business District
District CP-1	Planned Restricted Business District
District CP-2	Planned General Business District
District REC	Planned Recreation District
District MP-1	Planned Industrial Park District

15-402 Planned Zoning Districts.

Planned zoning procedures are hereby incorporated in this title as provided in K.S.A. 12-725 to 12-735. Except in the case of standard single family subdivisions, which may be zoned to District R-1, or when land is to be zoned District A, Agriculture District, all rezoning of land within the City of Leawood shall hereafter follow planned zoning procedures as set out in this Article and Article 31 of this Ordinance.

All land that is zoned to a planned zoning district on the Zoning District Map adopted herewith and for which no development plans have been submitted, shall require the submittal of preliminary and final development plans for any new construction, reconstruction and alteration of any building, structure or parking area. Such preliminary and final plans shall conform to the conditions of this Article and the procedures set out in Article 31 for the rezoning of land, including public hearing thereon.

15-403 Statement of Objectives.

The zoning of land in Leawood to one of the planned districts (RP-1 to MP-1 inclusive) shall be for the purpose of encouraging and requiring orderly development on a quality level generally equal to or exceeding that which prevails in the City of Leawood, but permitting deviations from normal and established development techniques. The use of planned zoning procedures is intended to encourage large scale development tracts, efficient development of small tracts, innovative and imaginative site planning, conservation of natural resources and minimum waste of land. The following are specific objectives of this section:

A. A proposal to rezone land to a planned district shall be subject to the same criteria relative to compliance with the City of Leawood's master plans, land use policies, neighborhood compatibility, adequacy of streets and utilities and other elements, as is normal in this City's rezoning deliberations.

B. The submittal by the developer and the approval by the City of development plans represents a firm commitment by the developer that development will indeed follow the approved plans in such areas as to concept, intensity of use, aesthetic levels and quantities of open space.

C. Deviations in yard requirements, setbacks and relationship between buildings as set out in Standards of Development in Section 4 of this article, may be approved by the Plan Commission and Council if it is deemed that other amenities or conditions will be gained to the extent that an equal or higher quality of development will be produced.

D. Residential areas are to be planned and developed in a manner that will produce more useable open space, better recreational opportunities, safer and more attractive neighborhoods than under standard zoning and development techniques.

E. Commercial areas are to be planned and developed so as to result in attractive, viable and safe centers and clusters as opposed to strip patterns along thoroughfares. Control of vehicular access, and circulation, architectural quality, landscaping and signs will be exercised to soften the impact on nearby residential neighborhoods, and to assure minimum adverse effects on the street system and other services of the community.

F. The developer will be given latitude in using innovative techniques in the development of land not feasible under application of standard zoning requirements.

G. Planned zoning shall not be used as a refuge from the standard requirements of the zoning district as to intensity of land use, amount of open space or other established development criteria.

H. Any building or portion thereof may be owned in condominium under K.S.A. 53-3101.

I. For purposes of this title the terms "shopping center," "business park," "office park,""industrial park," or other grouping of buildings shall mean developments that were planned as an integrated unit or cluster on property under unified control or ownership at the time the zoning was approved by the City. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or any portion thereof from complying with development standards, architectural quality, sign concepts and other conditions that were committed at the time of rezoning.

J. All utilities shall be underground except that those power and telephone lines which, for engineering reasons, cannot reasonably or safely be placed underground may, upon written approval of the City Engineer, be constructed overhead.

15-404 Local Administrative Agency.

The agency having the authority to administer the planned zoning procedure and implementation of projects in connection therewith shall be the Plan Commission together with the municipal staff assigned to assist said Commission.

15-405 Standards of Development.

A. The maximum height of buildings and structures shall be as set out in the standard requirements of the applicable district.

B. The intensity of land use, the bulk of buildings, the concentration of population, the amount of open space, light and air shall be generally equal to that required in the standard requirements of the applicable district.

C. The density of residential dwelling units, the parking requirements and the performance standards shall be the same as in the standard requirements of the appropriate district.

D. The permitted uses shall be the same as those permitted in the standard requirements of the appropriate district, provided that limitations may be placed on the occupancy of certain premises, if such limitation is deemed essential to the health, safety or general welfare of the community.

E. The Plan Commission may require assurance of the financial and administrative ability of any agency created by a developer for the purpose of maintaining common open space and facilities of a nonpublic nature.

F. The Plan Commission and City Council may, in the process of approving preliminary and final plans, approve deviations from the standard requirements as follows, provided any deviation so approved shall be in keeping with accepted land planning principles and must be clearly set out in the minutes as well as on exhibits in the record:

(1) Setbacks of buildings and paved areas from a public street may be reduced to seventy-five percent of the standard requirement.

(2) Setbacks of buildings from a property line other than a public street may be reduced to eighty-five percent of the standard requirement and setbacks of paved areas adjacent to property lines, other than street lines, to zero if existing or proposed development on said adjacent land justifies the same.

(3) Side yards between buildings may be reduced to zero.

(4) Setbacks of buildings and paved areas from a freeway right-of-way may be reduced to five feet.

(5) A portion of the parking area required under this title may remain unimproved until such time as the City Council deems it must be improved to serve parking demand adequately. The foregoing deviations 1 thru 4 may be granted by the Plan Commission and City Council only when compensating open space is provided elsewhere in the project, where there is ample evidence that said deviation will not adversely affect neighboring property, nor will it constitute the mere granting of a privilege.

G. The parking ratio for grouped commercial projects shall as a minimum follow the standard requirements. However, approval of a preliminary rezoning plan does not exempt the ultimate tenant from following any higher requirement contained within Article 24., Additional Parking Standards.

H. The design of all planned projects, whether residential, commercial or industrial shall be such that access and circulation by fire fighting equipment is assured and not retarded by steep grades, heavy landscaping or building spacing. ZONING ORD. 4-17-78

15-406 Procedures.

A. The procedure for zoning land to a planned district shall be as set out in Article 31 of this ordinance.

B. Conformance to master plan. In the consideration of a change to a planned zoning district the Plan Commission and Governing Body shall determine whether the proposal conforms to master plans, special studies and policies normally utilized in making zoning decisions in Leawood, Kansas.

C. Recording of approval. After rezoning to a planned district has been approved there shall be filed with the Register of Deeds a statement that a plan for the area has been approved. The statement shall specify the nature of the plan, the proposed density or intensity of land uses and other pertinent information sufficient to notify any prospective purchasers or users of land of the existence of such a plan. The landowner shall submit this statement to the City with the appropriate recording fee. The City shall be responsible for recording the statement.

D. The developer shall submit to the City on positive film a reduced copy of the final approved site plan. ORD. NO. 682 11-3-80

15-407 City Zoning District Maps.

Zoning district maps, in accordance with K.S.A. 12-707, are hereby established and shall be maintained by the Planning and Development Department. The maps shall be changed immediately after a zoning district is added or changed by ordinance wherein the zoning maps shall accurately describe these districts.
ORD. NO. 767 2-22-83

15-408 General Requirements.

All requirements must be observed, except as hereafter provided:

A. Subsequent to the passage of this ordinance no building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except in conformity with the regulations for the district in which the premises are located, except pursuant to the provisions of Article 19, Special Uses and Article 21, Non-Conforming Uses.

B. Every building hereafter erected, enlarged or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building or group of buildings on one lot having its principal frontage upon a city approved street, except as may be provided under planned zoning procedures. No lot area shall be reduced or diminished so that the yards or other open spaces shall be smaller than prescribed by this zoning ordinance, nor shall the density of population be increased in any manner, except in conformity with the area regulations established in this Zoning Ordinance.

C. No person, firm or corporation, nor any employee or agent of such person, firm or corporation, shall undertake the work of installing, altering or furnishing any utility services in any dwelling, commercial building or industrial structure, without first requiring the property owner to exhibit a valid building permit issued by the City of Leawood, Kansas authorizing such owner to make such improvements or alterations.

D. The land area which may hereafter become a part of the corporate area of the City of Leawood, Kansas by annexation shall retain the zoning placed on the property by the Township Zoning Board until the City of Leawood, by due process, including public hearing, zones such land under provisions of this ordinance.

ARTICLE 5. DISTRICT A -- AGRICULTURE

15-501 Permitted Uses.

In District A no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses:

A. Any use permitted in District R-1.

B. Farming, dairy farming, livestock, poultry raising, game birds, pasturing of livestock, and all uses commonly classed as agricultural, with no restrictions as to operation of such vehicles or machinery as are customarily incidential to such uses, and with no restrictions as to the sale or marketing of products raised on the premises, provided that any building, structure or yard for the raising, feeding, housing or sale of livestock or poultry shall be located at least 100 feet from a District R-1 to RP-6 inclusive; and further provided that there shall be no feeding or disposal of garbage, rubbish or offal, other than regular removal, within 300 feet of a District R-1 to RP-6 inclusive.

C. Fish hatcheries, apiaries, aviaries.

D. Fishing lakes and picnic groves, provided no concession or retail sales shall be permitted.

E. Forest and wildlife reservations, or similar conservation projects.

F. Fur farming for the raising of fur bearing animals, excluding skunks and civet cats.
G. Mushroom barns and caves.
H. Nurseries, greenhouses, and truck gardens.
I. Accessory uses, including repair shops, sheds, garages, barns, silos, irrigation wells and pumps, incidental dwellings, buildings and structures customarily required for any of the above uses. One sign, not to exceed four square feet, shall be considered an accessory use.

ZONING ORD. 4-17-78

15-502 Height and Area Regulations.

In District A the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot, shall be as follows: (For exceptions see Article 23, Additional Height and Area Regulations.)

A. Height. Buildings or structures shall not exceed thirty-five feet, or two and one-half stories in height.
B. Yards. No building or structure shall be located closer than fifty feet to a property line.
C. Width of Lot. The minimum width of the lot shall be two hundred fifty feet provided that where a lot has less width than herein required in separate ownership at the time of the passage of this ordinance this regulation shall not prohibit the erection of a one-family dwelling.
D. Lot Area Per Family. Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a lot area of not less than five (5) acres per family, provided that where a lot has less area than herein required in separate ownership at the time of the adoption of this ordinance, this regulation shall not prohibit the erection of a one-family dwelling.

ORD. NO. 744 6-7-82

15-503 Parking Regulations.

Each dwelling shall be provided with two enclosed off-street parking spaces. (For additional parking and loading regulations see Article 24, Additional Parking Regulations.)

15-504 Sewage Disposal.

No permit for a dwelling or other building or land use which will produce impure wastewater shall be issued until a septic tank permit has been approved by the City Council after recommendation from the County Health Department. (See Article 22, Prohibited Uses.)

15-505 Building on Unplatted Land.

A building permit for a residential or non-agricultural building on unplatted land in this district will not be issued until a plot plan showing the proposed building and the land areas to be set aside to accommodate it is submitted and approved by the City Architect. Such plot plan may delineate a tract of land which is part of a larger ownership without the filing of a plat, provided the delineated tract is accurately tied to

a section or quarter section corner, and has access to a public street, road or highway. This delineated tract shall be entered on the official zoning map of the city and shall be considered the same as a platted lot for purposes of regulating permits on adjacent land. The owners of tracts abutting an existing road, street or highway which has less than city standard width shall present a deed to the city for that amount of right-of-way necessary to comply with the city standards prior to the issuance of the building permit.

ZONING ORD. 4-17-78

ARTICLE 5A. AR-1 ESTATE DWELLING DISTRICT - STANDARD REQUIREMENTS

15-5A01 Permitted Uses.

In District AR-1, no building, structure, land or permises shall be used, and no building or structure shall be hereafter erected, constructed, or moved, except for one or more of the following uses:

A. Any use permitted in District A.
B. Single family houses including subdivisions.
C. Customary accessory uses, as provided in Article 20.

ORD. NO. 744 6-7-82

15-5A02 Height and Area Regulations.

In District AR-1, the height of buildings and structures, the minimum dimensions of lots and yards, and the minimum lot area per family shall be as follows: (For exceptions see Article 23, Additional Height and Area Regulations.)

A Height. Buildings and structures shall not exceed two and one-half (2-1/2) stories nor shall they exceed thirty-five (35) feet in height.

B. Front Yards. Any building hereafter constructed shall provide a front yard the minimum depth of which shall be one hundred (100) feet.

C. Side Yards. There shall be a side yard on each side of the lot of not less than twenty-five (25) feet for buildings and forty (40) feet wherein there shall be no spetic tank laterals.

D. Rear Yards. The depth of the rear yard shall be not less than one hundred (100) feet, provided detached accessory buildings may be located not closer than ten (10) feet to the rear lot line.

E. Width of Lot. The minimum width of the lot shall be two hundred fifty (250) feet provided that where a lot has less width than herein required in separate ownership at the time of the passage of this ordinance this regulation shall not prohibit the erection of a one-family dwelling. In planned districts, lots may have a lesser width provided compensating open space is provided elsewhere on the project.

F. Lot Area Per Family. Every dwelling hereafter erected or moved shall provide a lot area of not less than five (5) acres per family, provided that where a lot in this district had less than five (5) acres in area and was in separate ownership at the time of adoption of this amendment, this regulation shall not prohibit the erection of a single family dwelling. Dwellings may be clustered under a Planned AR-1 zoning process, however, not more than two-thirds of the permitted units may be placed on not less than one-third of the land involved in the project.

G. Parking Regulations. No single family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for two standard passenger vehicles in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single family residence be altered in such a way as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color. (For additional parking regulations see Article 24, Additional Parking Regulations.)

H. Sewage Disposal. Septic tank with aeration system and lateral field or a public sewer system. ORD. NO. 744 6-7-82

ARTICLE 5B. AR-2 SUBURBAN DWELLING DISTRICT - STANDARD REQUIREMENTS

15-5B01 Permitted Uses.

In District AR-2, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, or moved except for one or more of the following uses:

A. Dwellings, one family.

B. Churches and publicly owned and operated community buildings, public museums, public libraries.

C. Public parks and playgrounds, including public recreation or service buildings and swimming pools within such parks, public administrative buildings, police and fire stations.

D. Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school and institutions of higher learning, including stadiums and dormitories in conjunction, if located on the campus.

E. Golf courses and clubhouses appurtenant thereto (except miniature golf courses, driving ranges and other similar activities operated as a business), provided no clubhouse, swimming pool, or parking area shall be closer than one hundred (100) feet to a property line.

F. Railroad rights of way, not including railroad yards.

G. Agriculture. ORD. NO. 744 6-7-82

15-5B02 Height and Area Regulations.

In District AR-2, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot, shall be as follows: (For exceptions see Article 23, Additional Height and Area Regulations.)

A. Height. Buildings and structures shall not exceed two and one-half (2-1/2) stories nor more than thirty-five (35) feet in height.

B. Front Yards. Any buildings hereafter constructed shall provide a front yard the minimum depth of which shall be fifty (50) feet.

C. Side Yards. There shall be a side yard on each side of the lot of not less than twenty (20) feet.

D. Rear Yards. The depth of the rear yard shall be not less than fifty (50) feet for the dwelling and twenty (20) feet for any detached accessory buildings.

E. Lot Area Per Family. Every dwelling hereafter erected or moved shall have a lot area of not less than one (1) acre, (43,560 square feet) per family, provided that where a lot had less than this area and was in separate ownership at the time of the adoption of this amendment, this regulation shall not prohibit the erection of a single family. Dwellings may be clustered under a planned AR-2 zoning process, however, not more than two-thirds of the permitted units may be placed on not less than one-third of the land involved in the project.

F. Lot Width. The minimum width of a lot shall be one hundred fifty (150) feet.

G. Parking Regulations. No single family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for two standard passenger vehicles in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single family residence be altered in such a way as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color. (For additional parking regulations see Article 24, Additional Parking Regulations.)

H. Sewage Disposal. A sanitary sewer system with treatment plant is required in this district. ORD. NO. 744 6-7-82

ARTICLE 6. R-1 SINGLE FAMILY RESIDENTIAL DISTRICT - STANDARD REQUIREMENTS

15-601 Permitted Uses.

In District R-1 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

A. Single Family Dwellings

B. The following public and semipublic uses may be permitted after hearing and review of preliminary plans and recommendation by the City Plan Commission and approval of the City Council.

Athletic Fields
Cemeteries
Churches and Synagogues
Community center buildings
Convents, when a part of a school or church complex
Fire station
Golf course, including clubhouse, with the exception of miniature golf or driving range
Libraries
Nurseries and truck gardens limited to the propagation and cultivation of plants provided no retail or wholesale business shall be conducted on the premises and no obnoxious fertilizer renovation may be conducted thereon
Parks, playgrounds and other recreational areas of municipal ownership
Police stations
Schools public or private schools having curriculum equivalent to that of the public school system.
Swimming pools, (municipal)

Preliminary site development plans and final site development plans shall conform to any applicable deed restrictions and shall be approved by the City Plan Commission and the City Council prior to the issuance of building permits.
Preliminary plans submitted shall include a site plan and elevation sketches. Approval or disapproval by the Plan Commission or Council shall be based on the following:

1. The capability of the site to accommodate the building, parking and drives with reasonable open space and safe and easy ingress and egress.
2. A reasonable degree of harmony will prevail between the architectural quality of the proposed public building and the surrounding neighborhood.
3. In the case of a place of worship, the site shall have reasonable direct access to a thoroughfare or collector street.

C. Accessory Uses as provided in Article 20.

15-602 Height and Area Regulations.

In District R-1 the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot, shall be as follows: (For exceptions see Article 23, Additional Height amd Area Regulations.)

A. Height. Residential structures shall not exceed two and one-half stories in height except that structures may be built on a natural slope in such a manner as to expose a third story on the downhill side of the slope. The three story portion of the structure shall not exceed thirty-five feet in height. Parapets, ornamental railings, chimneys, gables, false mansards, cupolas, and mechanical appurtenances on residential structures may extend not more than four feet above the specified height limit.

B. Yards.

1. Front Yards. All buildings and structures shall set back a distance of at least thirty-five feet from any street line except that the side yard on the street side of a corner lot shall not be less than thirty feet.
2. Rear Yards. All buildings and structures shall set back a distance of at least thirty feet from any rear property line.
3. On lots of irregular rear property lines or lots of other than generally rectangular shape, the setback from the rear property line to any building or structure shall be determined as follows: The average depth of the area enclosed by an extension of the side walls; the rear wall; and the rear property line(s), between the extended side wall lines, shall be a minimum of thirty feet. The average depth shall be determined by measuring the distance between the extended side wall lines over the rear length of the building or structure. In no case shall the building or structure be located less than ten feet from any property line.
4. Rear Setback, Corner Lot. On lots bounded by two intersecting streets, the rear yard setback shall average a distance of 30'. The average depth of the area enclosed by an extension of the side walls; the rear wall; and the property line(s), between the extended side wall lines, shall be a minimum of 30'. The average depth shall be determined by measuring the distance between the extended side wall lines over the rear length of the building or structure. In no case shall the building or structure be located less than 10' from any property line.
5. Side Yards. There shall be a side yard on each side of the lot, such side yard to be not less than ten feet plus one foot for each two feet that the adjacent wall exceeds ten feet in height. Height of wall, for purposes of this section, shall be the distance from the average finish grade along said wall to the top of the plate or mean gable height, except that another method of measurement may be required by the City Architect

where such dimensions would not depict the true visual height of the structure.

C. Lot Width. A lot upon which a dwelling is to be erected shall not be less than 100 feet in width at the front building line. In the case of a lot which is narrower than 100 feet in width at the front building line and which is included in a plat which was of record in the office of the Register of Deeds in and for Johnson County, Kansas, on June 6, 1949, the one hundred foot restriction set forth in this subsection shall not apply but in lieu thereof the restriction shall be the width of the lot shown on such plat.

D. Lot Area and Building Size. No building shall be erected or altered on a lot which makes provision for less than twelve thousand square feet of lot area. In the case of a single platted lot of record or an unplatted lot having an area of less than twelve thousand square feet on or before April 1, 1968, as an ownership separate and apart from the ownership of any adjoining property, this regulation will not prohibit the erection of a one family dwelling or the modification or alteration of an existing dwelling provided the yard regulations described herein are observed. A one-story dwelling shall have a ground floor area of not less than fifteen hundred square feet, and a one and a half story or two story dwelling shall have a ground floor area of not less than twelve hundred square feet, and such area requirements shall be exclusive of garages, porches, patios and other appurtenances.

15-603 Parking Regulations.

No single family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for two standard passenger vehicles in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single family residence be altered in such a way as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color. (For additional parking regulations see Article 24, Additional Parking Regulations).

15-604 Sewage Disposal.

No permit for a dwelling or other building or land use which will produce impure wastewater shall be issued until a sanitary sewer system is available for connection thereto or its availability is assured to the satisfaction of the City Architect or until a septic tank permit has been approved by the City Council after recommendation from the County Health Department.

15-605 Building on Unplatted Land - Same as Article 5, Section 4.

15-606 Type of Construction.

Exterior walls of all dwellings shall be of brick, stone, wood, stucco, shingles, wood siding, wood paneling, tile or any combination thereof. Windows, doors and louvers shall be of wood or metal and glass. Flat roofs or roofs with a pitch of less than three inches per foot, shall be covered with tin, built-up asphalt, wood shingles, wood shakes, asbestos shingles, slate or tile. Roofs with a pitch of three inches or more per foot shall be covered with wood shingles, wood shakes, asbestos shingles, slate or tile

ARTICLE 7. DISTRICT RP-1 PLANNED SINGLE FAMILY RESIDENTIAL DISTRICT-STANDARD REQUIREMENTS

15-701 Permitted Uses.

In District RP-1 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

A. Single Family Dwellings

B. Public and semipublic uses as permitted in District R-1

15-702 Height and Area Regulations.

Same as District R-1

15-703 Parking Regulations.

Same as District R-1

15-704 Procedure for Zoning Land to District RP-1.

See Article 4., Sec. 2 thru Sec. 6 and Article 31.

15-705 Type of Construction

Same as District R-1

ARTICLE 8. RP-2, PLANNED TWO FAMILY RESIDENTIAL DISTRICT STANDARD REQUIREMENTS

15-801 Permitted Uses.

In District RP-2 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

A. Any use permitted in District R-1

B. Dwellings, two-family, commonly referred to as duplexes;

C. Accessory uses as provided in Article 20.

15-802 Height and Area Regulations.

In District RP-2 the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows. (For exceptions see Article 23, Additional Height and Area Regulations).

A. Height. Buildings or structures shall not exceed two and one-half stories in height.

B. Front Yards. Any building hereafter constructed shall provide for a front yard, the minimum depth of which shall be thirty feet.

C. Side Yards. There shall be a side yard of not less than ten feet on each side of the building. Buildings on corner lots shall provide a side yard on the street side of not less than thirty feet.

D. Rear Yards. The depth of the rear yard shall be at least thirty feet.

E. Lot Area per Family. Every dwelling hereafter erected, moved, or altered shall provide a lot area of not less than twelve thousand square feet per family for one-family dwellings, or six thousand square feet per family for two-family dwellings.

F. Lot Width. The width of the lot shall be at least one hundred feet. Two-family dwellings which otherwise comply with the codes and ordinances of the City of Leawood may be divided at the party wall as to ownership and owned as separate dwelling units by separate owners and such ownerships shall not constitute violation of the lot and yard requirements of this ordinance.

15-803 Parking Regulations.

No single or two family residence shall be constructed that does not provide space for fully covered and fully enclosed parking for two standard passenger vehicles per unit in an area designated as a garage, attached or integral to the residence and compatible with said residence in construction, materials and color; nor shall any existing single or two family residence be altered in such a way as to incorporate existing garage space into living area unless said alteration shall provide an equivalent area of fully covered, fully enclosed parking in the form of a garage attached to or integral with said residence and compatible in construction, materials and color.

15-804 Type of Construction.

Same as District R-1

ARTICLE 9. RP-3 PLANNED GARDEN APARTMENT DISTRICT-STANDARD REQUIREMENTS

15-901 Permitted Uses.

In District RP-3 no building, structure, land, or premises, shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

A. Any use permitted in District RP-2;

B. Garden apartment buildings;

C. Accessory uses as provided in Article 20.

15-902 Height and Area Regulations.

In District RP-3 the height of buildings, the minimum dimensions of lots and yards, the minimum lot area per family permitted on any lot shall be as follows: (For exceptions see Article 23, Additional Height and Area Regulations).

A. Buildings or structures shall not exceed two stories in height except that on land having a natural slope of seven feet or more vertical change in one hundred feet horizontal distance, buildings containing three stories to be occupied for residential purposes in the downhill portion may be approved by the Plan Commission upon submittal of preliminary site and building plans. Such approval shall be given only after the Commission satisfies itself that adequate natural light and air will be available to all dwelling units and that no occupant shall be required to traverse more than one story of stairs from the building entrance to the highest or lowest occupied story.

B. Front Yards. Front yard shall be thirty feet.

C. Side Yards. Side yard shall be ten feet except that not less than thirty feet shall be provided on the street side of a corner lot.

D. Rear Yards. Rear yard shall be thirty feet.

E. Lot Area per Family. The minimum lot area for garden apartments shall be three thousand five hundred square feet per family.

15-903 Parking Regulations.

Two off-street parking spaces shall be provided for each garden apartment dwelling unit. The parking or storage of tenant-owned boats, campers, trailers or other equipment is prohibited unless a parking or storage area or building, screened from view from off the premises, is provided. (See Article 24, Additional Parking Regulations).

ARTICLE 10. RP-4 PLANNED CLUSTER RESIDENTIAL DISTRICT

15-1001 Permitted Uses.

In District RP-4 no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:

A. Residential buildings containing up to eight dwelling units, designed to allow individual ownership, either under condominium statutes or other ownership procedures involving corporate maintenance of common areas and facilities.

B. Clubs, swimming pools, garages, carport and other similar facilities normally accessory to the main use of the premises.

C. Houses of worship on a lot having an area of not less than four acres.

15-1002 Height and Area Regulations.

In District RP-4 the height of buildings, the minimum dimensions of lots and yards, the minimum lot area per family permitted on any lot shall be as follows: (For exceptions see Article 23 Additional Height and Area Regulations).

A. Height. Building or structures shall not exceed two and one-half stories in height.

B. Lot Size. No cluster residential project shall be constructed on a lot having less than one acre.

C. Lot Area per Family. Every cluster dwelling hereafter constructed, moved or altered shall provide a net site area of not less than six thousand square feet per family.

D. Yard Areas.
   1. Each residential or accessory building shall provide a setback from any public street of not less than thirty feet.
   2. Each residential building shall provide a yard between the building and a property line of the project, other than a street line, of not less than twenty feet.
   3. Each accessory building shall provide a yard between the building and a property line of the project, other than a street line, of not less than seven feet.

15-1003 Parking Regulations.

Two off-street parking spaces shall be provided for each dwelling unit at least half of which shall be within totally enclosed garages. Parking or storage of tenant owned boats, campers, trailers or other equipment is prohibited unless a building, screened from view from off the premises, is provided. (See Article 24, Additional Parking Regulations).

ARTICLE 11. RP-5 PLANNED APARTMENT HOUSE DISTRICT MEDIUM AND HIGH DENSITY RESIDENTIAL DISTRICTS-STATEMENT OF INTENT

15-1101 Spirit and Intent.

It is the spirit and intent of this ordinance that residential development throughout the City of Leawood shall, for the most part, be of a low density, single family nature, having substantial open spaces on residential lots and having a high level of trees, shrubs and lawns throughout, all for the purpose of assuring that liveability, property values, safety and the general welfare will be sustained. Certain land areas may, however, have characteristics whereby higher density residential development may be in the public interest and may be in keeping with the Comprehensive Development Plan and other policies of the City of Leawood. Zoning for medium or high density residential districts, RP-5 and RP-6, shall be approved only when all of the following conditions exist :

A. The medium and high density dwelling units have direct vehicular access to an arterial or collector street, and

B. The medium or high density dwelling units are part of a project of sufficient size that transitional land uses and other buffering can be implemented within the same development, and

C. Topographic features such as steep slopes or flood plains may justify higher density development in return for dedication or reservation of open space for public use or may offer natural screening effects for medium or high rise structures.

15-1102 Permitted Uses.

In District RP-5 no building, structure, land or premises shall be used and no structure shall be hereafter erected, constructed, reconstructed, or altered except for one or more of the following uses:

A. Single-family dwellings under the regulations of District R-1;

B. Two-family dwellings under the regulations of District RP-2;

C. Garden apartment buildings under the regulations of District RP-3;

D. Medium-rise apartment buildings of the structural type referred to in the building code as fireproof;

E. Housing of a single or multi-family type for senior citizens.

15-1103 Height and Area Regulations.

In District RP-5, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows (For exceptions see Article 23, Additional Height and Area Regulations).

A. Height. Buildings and structures shall not exceed four stories, provided all buildings exceeding two and one-half stories shall be equipped with elevators.

B. Front Yard. Any building hereafter constructed shall provide for a front yard the minimum depth of which shall be at least thirty feet.

C. Side Yards. There shall be a side yard on each side of the building of not less than the height of the building. Not less than thirty feet shall be provided on the street side of a corner lot.

D. Rear Yard. The depth of the rear yard shall be at least the height of the building plus ten feet.

E. Lot Area per Family. Every medium-rise apartment house and every senior citizens' dwelling hereafter constructed shall provide a lot area of not less than three thousand square feet per family unit.

15-1104 Parking Regulations.

Two off-street parking spaces shall be provided on the premises for each dwelling unit. The parking or storage of tenant-owned boats, campers, trailers or other equipment is prohibited unless a parking or storage area or building, screened from view from off the premises, is provided. (See Article 24, Additional Parking Regulations).

ARTICLE 12. RP-6 PLANNED HIGH-RISE APARTMENT DISTRICT

15-1201 Spirit and Intent.

The spirit and intent of this district and its use in the City of Leawood are as set out in Article 11.

15-1202 Permitted Uses.

In District-RP-6, no building, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed or altered except for one or more of the following uses:

A. Any use permitted in District R-5;

B. High rise apartment buildings.

15-1203 Height and Area Regulations.

In District RP-6, the height of buildings the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows: (For exceptions see Article 23, Additional Height and Area Regulations).

A. Height. High rise apartment buildings shall not be less than five nor more than twelve stories in height.

B. Front Yard. Any building hereafter constructed shall provide for a front yard the minimum depth of which shall be thirty feet plus five feet for each story in excess of five.

C. Side Yards. There shall be a side yard on each side of a building of not less than thirty feet plus five feet for each story in excess of five.

D. Rear Yard. The depth of the rear yard shall be at least the height of the building.

E. Lot Area per Family. Every high-rise apartment house hereafter constructed shall provide a lot area of not less than one thousand square feet per dwelling unit.

15-1204 Parking Regulations.

Two parking spaces shall be provided on the premises, or off the premises within two hundred feet of the main entrance to the building, for each dwelling unit. The parking or storage of tenant-owned boats, campers, trailers or other equipment is prohibited unless a parking or storage area or building, screened from view from off the premises, is provided. (See Article 24, Additional Parking Regulations).

ARTICLE 13. CP-O PLANNED OFFICE BUILDING DISTRICT-STANDARD REQUIREMENTS

15-1301 Business Districts - Statement of Intent.

It is the spirit and intent of this ordinance that business buildings in Leawood shall, for the most part, be one and two stories in height, be of high architectural quality and be in a setting of uncrowded space containing substantial trees, shrubs and lawn areas, all for the purpose of assuring that property values, business viability, safety and the general welfare will be sustained. Certain land areas may, however, have characteristics whereby buildings of greater height may be in the public interest and may be in keeping with the Comprehensive Development Plan and other policies of the City of Leawood. Zoning land to Districts CP-O to CP-2 inclusive to accommodate buildings of greater than two stories in height shall be approved only when all of the following conditions exist:

A. The premises have direct vehicular access to an arterial street, and

B. The site is part of a project of sufficient size that transitional land uses and other buffering can be implemented within the same development, and

C. A traffic study is prepared by competent professional engineers and indicates that vehicular traffic will be handled in a manner that will not disrupt the uses of neighboring property or place undue strain on the city's street system, and

D. The site is sufficiently distant from residential property that the visual impact will not be so harsh as to depress property values in said residential areas.

15-1302 Permitted Uses.

In District CP-O, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, or altered except for one or more of the following uses:

A. Office buildings to be used only for the administrative functions of companies, corporations, social or philanthropic organizations or societies;

B. Other offices limited to the following:
   (1) Accountants
   (2) Architects
   (3) Brokers
   (4) Engineers
   (5) Dentists and dental laboratories
   (6) Lawyers
   (7) Physicians, osteopaths and chiropractors
   (8) Real Estate and insurance

C. Mortuaries;

D. Radio and television studios

E. Customary accessory uses;

15-1303 Performance Standards.

No merchandise shall be handled or displayed except inside buildings and no equipment or vehicle other than motor passenger cars shall be stored outside a building in this district for more than twenty-four hours in a thirty-day period. A pharmacy wherein retail sale only of prescription medicines, drugs, pharmaceuticals and orthopedic devices, customarily incident to the practice of medicine, shall be allowed as an accessory use in an office building provided not less than five physicians occupy offices within the building. The sale of eyeglasses is permitted in connection with the office of an optometrist. No direct exterior entrance to a pharmacy or optical sales area and no exterior sign or advertising relative to any retail activity shall be permitted.

15-1304 Height and Area Regulations.

In District CP-O the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows: (See Article 23, Additional Height and Area Regulations).

A. Height. No building or structure shall exceed six stories in height.

B. Front Yard. A front yard of not less than forty feet shall be provided for one and two story buildings and forty feet plus ten feet for each story in excess of two stories for buildings of greater height.

C. Side Yards. There shall be a side yard on each side of a building of not less than forty feet for any building or structure and not less than twenty-five feet for any surface parking area.

D. Rear Yard. The depth of the rear yard shall be not less than forty feet for any building or structure and not less than twenty-five feet for any surface parking area, loading or service area.

15-1305 Open Space.

Not less than twenty percent of the lot area shall be open space exclusive of buildings, parking facilities and access drives. This open space shall be devoted to plazas, courts or other landscaped areas.

15-1306 Building Coverage.

Not more than twenty-five percent of the lot area shall be covered by buildings.

15-1307 Parking Regulations.

Five off-street parking spaces shall be provided on the premises, but not in the required front yard for each one thousand square feet of contributing floor area (See Article 24, Additional Parking Regulations).

ARTICLE 14. CP-1 PLANNED RESTRICTED BUSINESS DISTRICT-STANDARD REQUIREMENTS

15-1401 Statement of Intent.

Same as Article 13.

15-1402 Permitted Uses.

In District CP-1 no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, or altered, except for one or more of the following uses:

A. Shops and stores for sale at retail of foods and beverages for human consumption; soft goods such as clothing and shoes; drugs and cosmetics; furniture and appliances; printed materials; notions; hardware and paint; kitchenware; toys and sporting goods; jewelry, gifts and novelties; flowers; tobacco products, photographic equipment, antiques; artist and hobby supplies; music supplies and medical supplies; bicycles,newspapers; books; stationery; office supplies; package liquor.

B. Services such as professional offices, banks and savings and loan associations, insurance, barber and beauty shops,schools, optical shops, seamstress and tailoring, dry cleaning and laundry pick-up or coin operated and dry cleaning operations classed as low hazard in the Leawood Building Code, eating establishments, interior decorator, photographer, shoe repairs, clinics, small animal hospitals;

C. Offices of all types, including post offices, public or privately owned utilities offices;

D. Customary accessory uses.

15-1403 Performance Standards.

The following standards shall not be exceeded by any use in this district:

A. No wholesale sales shall be conducted;

B. No merchandise or equipment shall be stored or displayed outside a building;

C. All products shall be sold and all services rendered inside a building except that banks and savings and loan establishments may have drive-up or walk-up service;

D. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced;

E. Alcoholic beverages and cereal malt beverages shall not be sold for consumption on the premises except that places serving food for consumption inside the building may serve cereal malt beverages provided the wholesale cost of the cereal malt beverage sold does not exceed twenty percent of the gross sales of the establishment on an annual basis.

F. In no case shall the noise level exceed 60 dB A at repeated intervals or for a sustained length of time measured at any point along the property line.

15-1404 Height and Area Regulations.

In District CP-1 the height of buildings, the minimum dimensions of lots and yards permitted on any lot shall be as follows: (For exceptions see Article 23, Additional Height and Area Regulations).

A. Height. Buildings or structures shall not exceed three stories in height.

B. Front Yard. A front yard of not less than forty feet shall be provided for any building or structure and at least twenty-five feet for any surface parking. Loading docks and service areas are not permitted on a street side of a building.

C. Side Yards. There shall be a side yard on each side of a building of not less than forty feet for any building or structure and not less than twenty five feet for any surface parking area, loading or service area.

D. Rear Yard. The depth of the rear yard shall be not less than forty feet for any building or structure and not less than twenty five feet for any surface parking area, loading or service area.

15-1405 Open Space.

Same as Article 13.

15-1406 Building Coverage.

Same as Article 13.

15-1407 Parking Regulations.

Five off-street parking spaces shall be provided on the premises for each one thousand square feet of contributing floor area (See Article 24, Additional Parking Regulations).

ARTICLE 15. CP-2 PLANNED GENERAL BUSINESS DISTRICT-STANDARD REQUIREMENTS

15-1501 Statement of Intent.

Same as Article 13, Section 1.

15-1502 Permitted Uses.

In District CP-2 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, or altered, except for one or more of the following uses:

A. Any use permitted in District CP-1.

B. Shops and stores for the sale at retail or wholesale of department store merchandise, new automobiles and trucks, including used car lots accessory and subordinate thereto, automobile supplies, camping and lawn accessories, motorcycles, petroleum products (bulk plants not permitted), pets, hotel supplies;

C. Services such as clubs, private, other than such clubs where alcoholic beverages are consumed on the premises, automobile repair in connection with new auto sales, dry cleaning and laundries, appliance and small equipment repair, printing and publishing, custom maintenance and delivery services, radio and television broadcasting studios, public or private entertainment and recreation,except those uses listed in Article 16, places where cereal malt beverages are served, charity and welfare services, vocational and trade schools, veterinary hospitals;

D. Customary accessory uses.

15-1503 Performance Standards.

A. Drive-up service may be permitted where the product is non-alcoholic in nature and where the product is passed through a window or other device to a customer in his motor vehicle. Drive in restaurants where food is normally served to customers in parked vehicles or where food is consumed outside a building are not permitted.

B. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

C. Automobiles and trucks for sale may be stored or displayed on a paved surface outside a building but not within twenty-five feet of a street line, side or rear property line. Other merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, shall not reduce the capacity of a parking lot below that required by this ordinance and shall not occupy an area greater than twenty percent of the ground floor area of the building.

D. In no case shall the noise level exceed 60 dB A at repeated intervals or for a sustained length of time measured at any point along the property line.

E. In no event will there be allowed in automobile repair and service station facilities the selling, dispensing or changing hands of cereal malt beverages.

15-1504 Height and Area Regulations.

In District CP-2 the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted upon any lot shall be as follows. (For exceptions see Article 23, Additional Height and Area Regulations).

A. Height. Buildings or structures shall not exceed three stories in height.

B. Front Yard. A front yard of not less than forty feet for any building or structure and at least ten feet for any surface parking area shall be provided. Loading docks and service areas are not permitted on a street side of a building.

C. Side Yards. There shall be a side yard on each side of a building of not less than forty feet for any building or structure and not less than twenty-five feet for any surface parking area, loading or service area.

D. Rear Yards. The depth of the rear yard shall be not less than forty feet for any building or structure and not less than twenty-five feet for any surface parking area, loading or service area.

15-1505 Parking Regulations.

Five off-street parking spaces shall be provided on the premises for each one thousand square feet of contributing floor area (See Article 24 for Additional Parking Regulations).

ARTICLE 16. REC RECREATIONAL DISTRICT

15-1601 Permitted Uses.

In District REC no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, or altered except for one or more of the following uses:

A. Country clubs;

B. Fairgrounds and amusement parks;

C. Baseball, football or other athletic fields, both amateur and professional;

D. Golf courses of regulation or short par, driving ranges, pitch and putt and miniature golf;

E. Skating rinks, both ice and roller, and ice hockey, both amateur and professional;

F. Race tracks for horses, including accessory barns, concessions and similar structures;

G. Coliseums and arenas;

H. Commercial or club facilities for tennis, handball, racquetball and similar recreation;

I. Bowling alleys;

J. Fee fishing lakes;

K. Skeet and other shooting ranges.

15-1602 Performance Standards.

The following standards shall not be exceeded or violated in this district:

A. All surfaces subject to vehicular or similar activity shall be of a dust free nature.

B. Alcoholic and cereal malt beverages may be sold on the premises only after a special use permit for a club has been approved by the City Council.

C. Any noise, light, commotion or structure which may adversely affect adjoining property shall be screened or otherwise treated in a fashion approved by the City Architect.

15-1603 Plan Approval.

Preliminary and final plans of the project shall be approved by the Plan Commission and City Council prior to the issuance of permits.

15-1604 Height and Area Regulations Generally.

In District REC the height of buildings and the minimum dimensions of lots and yards shall be as follows:

A. Height. No building or structure shall exceed sixty feet in height.

B. Yards Areas: Yards and other open spaces shall be determined at the time preliminary plot plans are approved by the Plan Commission and City Council.

15-1605 Parking Regulations.

The amount and location of parking spaces shall be determined at the time preliminary plans are approved by the Plan Commission and City Council.

ARTICLE 17. MP-1 PLANNED INDUSTRIAL PARK DISTRICT.

15-1701 Permitted Uses.

In District MP-1 no building, structure, land or premises shall be used; and no building or structure shall hereafter be erected, constructed, reconstructed, or altered except for one or more of the following uses:

A. Manufacturing, processing, fabrication, or assembling of any commodity, except junk or salvage.

B. Distribution, wholesaling, warehousing, and storage of any commodity, except junk or salvage.

C. Offices.

D. Public utility facilities.

E. Freight terminals.

F. Structures and uses which are clearly accessory and necessary to the normal operation of the above uses.

15-1702 Performance Standards.

All uses enumerated above shall meet the following minimum standards:

A. All operations shall be conducted within a fully enclosed building however normal outdoor loading and unloading of materials is permitted.

B. All storage of materials, products or equipment shall be within a fully enclosed building.

C. No use shall create noise in excess of that of normal daily traffic measured at the lot lines of the premises.

D. No use shall create dust, dirt, particulate matter, smoke, obnoxious odor, radiation, obnoxious gases, heat, unscreened glare, vibration or concussion which is perceptible without special instruments at the lot lines of the premises.

E. All lights, other than publicly installed street lights, shall be located and installed to reflect the light away from abutting properties in an area zoned for or developed with residential structures.

F. An Industrial Park District shall have direct access to at least one major thoroughfare. No direct access to a street zoned for or developed with single family residences will be permitted unless it is a major thoroughfare.

G. All disposal of sewage, industrial wastes, process water or other liquid outflow must be previously approved by the Public Works Committee of the City of Leawood.

15-1703 Height and Area Regulations.

In District MP-1 the height of buildings, the minimum dimension of lots and yards, and the minimum lot area permitted shall be as follows: (For exceptions see Article 23 Additional Height and Area Regulations).

A. Height. The height of any building or structure shall not exceed three stories or thirty-six feet. Height may be increased one foot for each three feet increase in the setback required below; provided that in no case shall height of the building exceed forty-eight feet.

B. Yards.

1. There shall be a yard adjacent to any street right-of-way line of at least fifty feet for any building, structure, parking facility or service area.

2. Side yards and the rear yard shall be not less than twenty-five feet for any building or structure, and ten feet for any surface parking facility, loading dock, service area, or entrance drive. When a side or rear yard adjoins properties zoned for or developed with residential uses, the required setback from any side or rear property line shall be at least one hundred twenty-five feet for any building or structure, and twenty-five feet for any surface parking area, loading area, service area, or entrance drive.

C. Minimum Open Space Requirement. At least thirty-five percent of the area of each individual building site in the Industrial Park District must be set aside as open space exclusive of all buildings, parking facilities and access drives. This open space shall be landscaped and maintained in such a manner as to provide a park-like setting for the building or buildings.

D. Maximum Building Coverage. Building coverage shall not exceed thirty percent of the area of each individual building site in the Industrial Park District.

E. Buffer Requirements. Along any property line adjacent to an area zoned for or developed with residential structures, a wall and/or fence and/or landscape buffer strip shall be provided of sufficient height and density to serve the purpose of a solid screen such that the projection of a horizontal line of sight originating six feet off the existing terrain at the adjacent residential lot line will be cut off by the buffering, but in no case shall the buffering strip be less than six feet in height. At street intersections, this required screen or buffer shall be set back a sufficient distance to avoid interference with the vision of approaching vehicles and creation of a traffic hazard. All fences shall be approved by the City Architect prior to the issuance of a building permit.

F. Landscape Requirements. All required setback areas and open space shall be landscaped with grass, trees, shrubs, and other appropriate materials in such a manner as to provide a park-like setting for the building or buildings. These areas shall be kept free of debris and refuse and shall be maintained by the owner, occupant or developer.

15-1704 Parking Regulations.

Off-street parking shall be provided on the site of the industry or the business which it services in an amount sufficient to meet the needs of all persons associated with the use, either as employees, customers, suppliers, or visitors; however, in no case shall the amount of off-street parking depicted on the site plan be less than one space for each five hundred square feet of leasable floor area. (See Article 24, Additional Parking Regulations.) ZONING ORD. 4-17-78

ARTICLE 17A. SP SPECIAL DEVELOPMENT DISTRICT

15-17A01 Intent and Purpose of this District.

It is recognized that certain land areas within the City of Leawood have unique and unusual characteristics as to their prominence, highway exposure, size of ownership and availability of certain utilities. It is the intent to allow and encourage development of these special land areas if certain qualifications and conditions are met and the results will be in the best interests of the public. The purpose of this special zoning district is to permit appropriate development, utilizing reasonable constraints that will assure an attractive neighborhood, be environmentally safe and allow flexibility to property owners. ORD. NO. 744 6-7-82

15-17A02 Permitted Uses.

In District SP, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed or moved except for one or more of the following uses:

A. Single family and multi-family dwellings.
B. Institutional and recreational uses.
C. Buildings housing private club and fraternal organizations.
D. Warehousing and distribution of products where all storage and other activity is within a building.
E. Motor hotels and camping facilities.
F. Nurseries, truck garden, green houses.

The above uses may be permitted only under the following procedure and conditions:

1. No development shall occur until the proposed development or use has been subject of a public hearing and rezoning under planned zoning procedures. Such approval, among other criteria, shall be based upon the following:
   a. The use will have safe and adequate vehicular access by way of roadways with adequate surface.
   b. Wastewater disposal is handled by an adequate system.
   c. Operations on the premises will not otherwise contaminate the surface or ground water supply.
   d. Visual and environmental quality must be equal to that which prevails in established sections of the City of Leawood.
   e. The development involves an area of land of not less than twenty (20) acres and in a location that harsh relationship between contrasting land uses will not degrade property values. The Planning Commission may designate sections within the district that are considered appropriate for warehousing-distribution development and others where residential and similar uses should be grouped.

f. The high noise levels produced by highway traffic are recognized and accounted for in the planning of the project. ORD. NO. 744 6-7-82

15-17A03 Height and Area Regulations.

In District SP the height of buildings and structures and the amount of open space shall generally be equivalent to the most comparable standard zoning district. Setbacks of buildings, structures and paved areas from such streets as State Line Road and Highway 150 shall be sufficient to insulate the use from highway noise and commotion and provide greater than normal open space of a thoroughly landscaped and highly maintained character. ORD. NO. 744 6-7-82

15-17A04 Parking Regulations.

In District SP the amount of parking and loading facilities shall be determined by the proposed uses of the property and shall be subject to approval by the Plan Commission in the rezoning and final plan approval process.

ORD. NO. 744 6-7-82

ARTICLE 18. FLOOD PLAIN DISTRICT

15-1801 Statutory Authorization.

The Legislature of the State of Kansas has in K.S.A. 1973 Supp. 12-704 et seq delegated the responsibility to local governmental units to adopt zoning regulations designed to protect flood prone areas in compliance with the Federal Flood Disaster Protection Act of 1973, and as is from time to time amended.

15-1802 Incorporation by Reference.

There is hereby incorporated by reference the following maps or studies prepared in connection with the program, and available for review in the office of the City Clerk.

A. The Flood Insurance Rate Map (FIRM), Flood Hazard Boundary Map;
B. Vicinity Map;
C. Flood Profiles;
D. Flood Boundary and Floodway Map;
E. Flood Insurance Study;
F. Actuarial Rates;
G. Flood Plain Zoning Map;
H. Definitions.

15-1803 General Provisions.

A. Lands to which Ordinance Applies. This ordinance shall apply to all lands within the jurisdiction of the City of Leawood, Kansas identified on the City's Flood Plain Zoning Map as numbered and unnumbered A Zones and within the Zoning Districts FW and FF established in Article 5 of this ordinance. In all areas covered by this ordinance no development shall be permitted except on receipt of a permit to develop granted by the City Council or its duly designated representative under such safeguards and restrictions as the Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare and health of the inhabitants of the City.

B. Enforcement Officer. The Chief Building Official of the City is hereby designated as the Council's duly designated Enforcement Officer under this ordinance.

C. Rules for Interpretation of District Boundaries. The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the Flood Plain Zoning Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the Flood Plain Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Chief Building Official shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Zoning Appeals will resolve the dispute. The regulatory flood protection elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence, if he so desires.

D. Compliance. No structure, land or water shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

E. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail.

F. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study, larger floods may occur on rare occasions or the flood height may be increased by man made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Leawood, Kansas or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

15-1804 Development Permit.

A. Permit Required. No person, firm or corporation shall initiate any development or construction within the area regulated by this ordinance or cause the same to be done without first obtaining a permit therefor on the forms provided by the City. Any plans for development or construction to be located in the Flood Plain shall require the following additional documentation.

1. Within designated flood prone areas, the plans for development must be accompanied by elevations (in relation to mean sea level) of the lowest habitable floor (including basement) or in the case of flood proofed nonresidential structures,

the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the Chief Building Official.

2. Give such other information as reasonably may be required by the Chief Building Official.
   (a) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be corrupted by the proposed development and higher water information.
   (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.
   (c) Profile showing the slope of the bottom of the channel or flow line of the stream.

B. The chief Building Official shall review all building permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State law (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S. Code 1334) and make recommendations for development in all locations which have flood hazards.

15-1805 Establishment of Zoning Districts.

The mapped flood plain areas within the jurisdiction of this ordinance are hereby divided into the two following districts: A floodway overlay district (FW) and a floodway fringe overlay district (FF) identified in the Flood Insurance Study (Flood Boundary and Floodway Map (s). The boundaries of these districts shall be shown on the Flood Plain Zoning Map. Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

15-1806 Standards for The Floodway Overlay District and The Floodway Fringe Overly District Within The Entire Flood Plain.

A. No permit for development shall be granted for new construction, substantial improvements and other improvements within A Zones unless the conditions of this Section are satisfied.

B. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the one hundred year flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this ordinance except those sections relating to elevations or floodproofing. If Flood Insurance Study data is not available the City shall utilize any base flood elevation data currently available within its area of jurisdiction.

C. New construction, substantial improvements, prefabricated buildings and other developments shall be designed or anchored to prevent the flotation, collapse or lateral movement due to flooding and will require:

1. New or replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on site waste disposal systems shall be located so as to avoid impairment of them or contamination from beyond applicable environmental control limits during flooding.

2. Subdivision proposals and other proposed new development shall be required to assure that (a) all such proposals are consistent with the need to minimize flood damage; (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage; (c) adequate drainage is provided so as to reduce exposure to flood hazards; and (d) proposals for development of five (5) acres or fifty (50) lots whichever is lesser, include within such proposals the regulatory flood protection elevation.

3. Substantial improvements shall: (a) use construction materials and utility equipment that are resistant to flood damage; and (b) use construction methods and practices that will minimize flood damage, consistent with economic practicability.

4. Utility and Sanitary Facilities - All utility and sanitary facilities shall be flood proofed up to the regulatory flood protection elevation so that any space below the regulatory flood protection elevation is water tight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

5. Provide that until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 on the City's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot on the average cross-section of the reach in which the development or landfill is located as shown on the Flood Insurance Study incorporated by reference; Section 2 of this Article.

6. The use of construction materials and utility equipment that are resistant to flood damage; moreover, construction methods and practices will minimize flood damage.

7. The Governing Body of the City to insure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. The City will notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator. Moreover, the City will work with appropriate State and Federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.

8. Storage of material and equipment: (a) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited. (b) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

15-1807 Floodway Overlay District.

A. Permitted Uses. Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by other ordinance and provided they do not require structures, fill, or storage of materials or equipment. No use shall increase the flood protection elevation. These uses are subject to the standards of Section 1806 of this Article.

1. Agricultural uses such as general farming, pasture, nurseries, forestry.
2. Residential uses such as lawns, gardens, parking and play areas.
3. Nonresidential areas such as loading areas, parking, airport landing strips.
4. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

15-1808 Floodway Fringe Overlay District.

A. Permitted Uses. Any use permitted in Section 7 above shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 1806 of this Article are met.

B. Standards for the Floodway Fringe Overlay District.

1. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above the regulatory flood protection elevation.
2. Require new construction or substantial improvements of nonresidential structures to have the lowest floor, including basement, elevated to or above the regulatory flood protection elevation or, together with attendant utility and sanitary facilities, to be flood proofed up to that level.
3. Within Zones AO all new construction improvements of residential structures have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the official FIRM. Nonresidential structures, within Zones AO, together with attendant utility and sanitary facilities may be floodproofed to or above the depth number specified on the official FIRM.

15-1809 Certification and Information.

A. Flood Proofing. Applicants shall provide certification by a registered professional engineer or architect that the flood proofing plans are adequate to be water tight with walls impermeable to the passage of water and withstand the hydrostatic and hydrodynamic forces associated with the one hundred year flood.

B. Flood Proofing of Residential Structures will not be allowed unless the City is specifically granted an exception from the provisions of this ordinance by the Administrator of the Federal Insurance Administration.

C. Elevation of Property. The applicant shall provide information identifying the elevation of the property in relation to mean sea level of the lowest flood (including the basement of the proposed structure) to which structures are flood proofed. In addition, the applicant shall provide this information for the second lowest floor if below grade on one of or more sides.

D. The Chief Building Official will maintain the records of certification when issuing development permits in conformance with this section.

15-1810 Variance.

A. Where by reason of exceptional narrowness, shallowness, shape of topography, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provision of this article would result in peculiar and exceptional hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, the Board of Zoning Appeals may authorize a variance from strict application so as to relieve the demonstrable difficulties or hardships, provided that such a variance may be granted only if:

1. The structure is to be erected on a lot of one half acre or less in size and such lot is contiguous to and surrounded by lots with existing structures constructed below the regulatory flood protection elevation.
2. The structure is listed on the National Register of Historic Places, or the State Inventory of Historic Places to be restored or reconstructed.

B. Variances shall not be issued except upon (1) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the variance issuance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local or state laws or ordinances.

C. Variances may only be issued upon a determination that the applicant requesting a variance shall meet the minimum necessary standards of this ordinance to afford relief.

D. The city shall notify the applicant that the issuance of a variance to locate a structure at an elevation below the one hundred year flood level will result in increased actuarial rates for flood insurance coverage.

15-1811 Non-Conforming Use.

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
   1. No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.
   2. For the purposes of this ordinance if such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this ordinance.
   3. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as non-conforming uses.

B. If any non-conforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent of the market value of the structure before the damage occurred except that it may be reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

ARTICLE 19. SPECIAL USES

15-1901 Designated.

Any of the following uses may be located in any district by Special Use Permit of the City Council after notification of adjacent and abutting property owners, public hearing, and after recommendation of the Plan Commission, under such conditions as to operation, site development, signs, and time limit as may be deemed necessary in order that such use will not seriously injure the appropriate use of the neighboring property, and will conform to the general intent and purpose of this ordinance and shall comply with the height and area regulations of the district in which they may be located unless a variance is specifically granted by the Board of Zoning Appeals.

1. Amusement parks, privately-owned baseball or athletic fields, race tracks;
2. Aviation fields or airports, under such restrictions as may be imposed to control noise, promote safety, and prevent undue danger to aircraft or to surrounding property.
3. Cemeteries, mausoleums, or crematories for the disposal of the dead;
4. Clubs, including those where alcoholic beverages are consumed;
5. Drive-in theaters;
6. Golf driving ranges, commercial or illuminated;
7. Gun clubs, skeet shoots, or target ranges;
8. Hospitals or penal or correctional institutions; special care facilities for humans;
9. Campgrounds, picnic groves and fishing lakes, including minor and incidental concession facilities for patrons only;

10. Nursery sales office, building, greenhouse, or area (wholesale or retail);

11. Nursing and convalescent homes;

12. Outdoor poster panels or billboards; off-site promotional signs;

13. Veterinary clinics, dog kennels;

14. Radio, television and microwave towers;

15. Reservoirs, towers, filter beds, or water treatment plants;

16. Riding stables and tracks;

17. Wastewater treatment plant;

18. Motor hotels, motels, and hotels;

19. Buildings, structures, and premises for public utility services, or public service corporations;

20. Temporary use of land or building for commercial or industrial purposes, provided that any building or structure constructed thereon which is not otherwise permitted in the District in which such land is situated shall be temporary, and any stored equipment or material shall be removed upon the date of expiration of the special use permit, which permit shall be valid for not more than two years but may be renewed after public hearing;

21. Assembly halls, community centers, philanthropic organizations;

22. Group care centers for children of pre-school, kindergarten, or up to ten years of age, including pre-schools and private kindergartens;

23. Off-street parking lots or structures of a temporary or permanent nature;

24. Group boarding home for minors or adults;

25. The City Council may upon application by the proponent, issue a Special Use Permit for the use of a specified parcel of land for such temporary short-term uses as trade shows, street fairs, expositions, promotional ventures and entertainment, without publication or posted notice and without referral to the Plan Commission, provided the following conditions are met:
    (a) The applicant shall submit in written form a complete description of the proposed use, including estimated accumulation of automobiles and persons, hours of operation, and other characteristics and effects on the neighborhood;
    (b) The short-term special use shall not be operated longer than ten consecutive days;
    (c) Upon the cessation of the short-term special use, all materials and equipment shall be promptly removed and the property restored to its normal condition.
    (d) If, after giving full consideration to the effect of the requested special use on the neighborhood and the community, the Council deems the special use reasonable, the special use permit for the short-term use may be approved. Conditions

of operation, provision for surety bond, and other reasonable safeguards may be written into the special use permit. Such permit may be approved in any zoning district.

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15-1902 Oil and Gas Drilling and Production.

Oil and gas drilling and production may be located in described districts by special use permit, in specific areas, for designated periods of time, with requirements set by the City Council, following notification of adjacent and abutting property owners, public hearing, and recommendation by the Plan Commission.

15-1903 Definitions.

Any and all terms shall have the meanings as set out by Leawood City Ordinances.

15-1904 Location and Map Requirements.

A. An application for a special use permit shall be submitted and accompanied with the following items:

1. Legal description of the property for which the special use permit is being requested.
2. Legal proof of ownership or written authorization to represent all owners within the tract.
3. A location map at a scale of not less than 1" = 1000' in size, showing the lease and its relationship to existing subdivisions, community facilities, streets, flood plains, creeks or waterways.
4. Topographic map of property to be covered under the special use permit, and adjacent property within four hundred feet (400') at a scale of not less than one inch (1") equals four hundred feet (400').
5. Items required on topographical map:

   a. Existing contours at 5' intervals.
   b. All existing and proposed wells either in production or abandoned.
   c. Location of residential structures, other buildings and fences.
   d. Location, use, and width of all easements for the lease.

B. Tract size: The minimum tract size on which the special use permit may be granted for oil production shall be ten (10) acres.

C. The Plan Commission and City Council shall, in the recommending and approving process, establish distances of oil and gas drilling areas from the established lease or tract line and adjacent tracts and buildings. Consideration shall be given to:

1. Location of drilling/production area in relation to adjacent developed areas and/or platted land within the City.

2. Location of the drilling/production area in respect to the lease/tract line.
3. Location of the drilling/production area to existing residences, other structures, and public rights of way.
4. Operating and potential hazardous characteristics of oil wells and gas wells.

15-1905 Additional Requirements.

Additional information or conditions may be required, as deemed necessary and proper to protect and promote the public health, safety, welfare, and which requirements are consistent with the intent and purpose of this subsection, including but not limited to the following:

A. Enclosure or burial of the wellhead and/or appurtenances.
B. Type of materials and height of any fencing.
C. Noise suppression devices or procedures.
D. Hours of operation for drilling, production, removal of equipment, and perforating or fracturing.
E. Routes used by drilling or production related vehicles.
F. Capacity, number, and color of storage or separator tanks.
G. Environmental impact statement addressing those areas about which the Plan Commission or City Council require additonal information and which may have the greatest potential for deleterious effects on the health, safety and welfare of the community such as:

1. Noise impacts
2. Water impacts
3. Safety and nuisance potential
4. Geological impacts
5. Fiscal impacts on the neighborhood or government
6. Wildlife impacts

and, the Environmental Impact Statement, if required, shall include baseline data against which actual impacts may be evaluated and shall also include the reasonable and preferred procedure and/or equipment for mitigating or abating any and all significant impacts. These shall be prepared by a qualified expert in the recognition, evaluation, and control of the designated subject(s).

15-1906 Criteria.

In reviewing the application for a special use permit for oil and gas, the Plan Commission and the City Council shall consider the following:

A. The development of oil and gas resources as it relates to the local, regional or national economy.
B. The economic conditions as they affect other types of development.
C. The effect on existing and future land uses and/or physical development potential by the granting of special use permit.

D. The cumulative effect of other oil and gas special use permits on existing and future development or development potential by the granting of the special use permit.
E. The expenses, costs, revenues, or benefits to the neighborhood and the City.
F. The past history of the operator with regard to compliance with local or state laws, to spills, and to overall safety.

15-1907 Limitations.

Any permit which is granted shall be subject to the following:

A. Time Period. An initial special use permit for oil and gas drilling and production on a tract may be granted for a maximum of ten years. Any renewals may be granted for a maximum of ten years.
B. Location. The special use permit may be granted in A (Agricultural) or R (Recreation) zoning districts only. Recreational does not include private country club properties.
C. Only those storage tanks required for production allowed by the special use permit shall be permitted.

15-1908 Revocation.

The special use permit may be revoked by the City Council upon notification to the permittee and after a public hearing when:

A. The applicant has made material misrepresentations or false statements of fact in the application.
B. The permittee has persistently violated the provisions or conditions of the special use permit.

15-1909 Validity of Ordinance.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

ORD. NO. 780 5-16-83

ARTICLE 20. ACCESSORY USES

15-2001 Generally.

All accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash odor, noxious gases, heat or glare which is injurious, damaging unhealthful or disturbing to adjacent property or the users thereof and shall be on the premises of the main use.

15-2002 Eligibility for Accessory Use.

The determination of the eligibility of an accessory use shall be made by the City Architect and appeal can be made from his decision as set out in Article 30.

15-2003 Permitted Accessory Uses.

The following uses shall be permitted as accessory to the main uses permitted in this ordinance.

A. In Districts A, R-1, RP-1 and RP-2

1. Home occupations: Non-residential activities shall be permitted in an agricultural or residential district only under the following conditions and restrictions:

   (a) No business building or structure shall be constructed or installed.
   (b) No building shall be converted to or totally used for any business purpose.
   (c) The character and appearance of the premises shall not be changed by a business activity.
   (d) No signs, material or equipment visible from outside the building shall be permitted in connection with any business activity.
   (e) Noise, odors or other effects and vehicular or pedestrian activity or parking in excess of normal residential levels shall not be permitted.
   (f) No persons, other than members of the immediate family residing thereon, shall be employed or involved in any business activity on the premises.
   (g) No stock in trade, commodities for sale or solicitation shall be involved on the premises.
   (h) The primary use of the building or structure in which the occupation is situated is clearly the dwelling used by the person as his or her private residence.

2. Animals: Horses, ponies, cows, chickens or other animals may be kept on a lot or tract of three acres or more in size in District A only.

3. Hobby Activity and Additional Uses: A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation;

provided that the articles produced or constructed are not sold either on or off the premises. Such additional uses as private swimming pools, gardens, customary pets, television and radio receiving and transmitting antennae not exceeding forty feet in height, signs as permitted by this ordinance, parking areas.

B. In Districts RP-3 through RP-6

1. Uses: In the RP-3 through RP-6 districts, accessory uses are as follows: Parking areas, signs as permitted by this ordinance, recreation areas including tenant used swimming pools and minor recreation buildings, trash collection centers, power generators, vending machines for tenant use and other similar uses. In addition, home occupations will be allowed provided that the following conditions and restrictions shall apply to each operation:
   (a) The primary use of the building, structure or apartment in which the occupation is situated is clearly the dwelling used by the person as his or her private dwelling.
   (b) No assistant other than a member of the immediate family household is employed.
   (c) No equipment or machinery is used in such activities that is perceptible off the premises by reason of noise, smoke, odor, dust, radiation, electrical interference or vibration.
   (d) Parking shall be handled in such a manner as to not impede or hinder traffic on any public right-of-way.
   (e) No inventory other than immediate samples are stored on the premises.
   (f) Sale of merchandise or sales meetings are not conducted on the premises.
   (g) No service is rendered within the dwelling unit that will require customer presence.

C. In Districts CP-0 and CP-1

1. Uses: In the CP-0 and CP-1 districts, accessory uses are as follows: Parking areas, signs as permitted by this ordinance, food service and vending machines, private garage for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, radio, television or microwave antennae not exceeding sixty feet in height, flagpoles, cooling towers and other similar uses.

D. In District CP-2

1. Uses: In the CP-2 district, accessory uses are as follows: Parking areas, signs as permitted by this ordinance, flood lighting and other similar uses. Washing and other passenger car cleaning shall be permitted as an accessory use in service stations, provided such washing and cleaning shall not utilize more than one car stall, shall be a part of the main building, and shall not be open for use during hours when the service station is closed. Such washing and cleaning operation shall utilize the same entrance drives as the service station and may use coin-operated or attendant-operated equipment, but not continuous line or conveyor type washing equipment.

E. In District MP-1

1. Uses: In the MP-1 district, accessory uses are as follows: Parking and loading areas, signs as permitted by this ordinance, security and screen fencing, radio and microwave towers not to exceed sixty feet in height, gate house, loading equipment, employee recreation and other similar uses.

F. Special Uses.

1. Motor Hotels: The following are accessory uses within a motor hotel: Restaurant, banquet rooms, liquor, notions and magazine counters, vending machines, beauty and barber shops, flower and gift shops, provided all are within the main building and designed to serve primarily the occupants and patrons of the motor hotel.

G. Hospitals. The following are accessory uses within a hospital: Residential quarters for staff and employees, nursing or convalescent quarters, storage and utility buildings, food service and vending machines, laundry and other similar services for hospital personnel, vistors and patients.

H. Utility Buildings. Outside storage of materials and equipment is an accessory in public utility buildings provided all outside storage is screened from view from off the premises.

I. Trailers.

1. Standing or parked advertising trailers are prohibited in the City.
2. One or more trailers may be used as a temporary office or other non-residential structure on the site of a construction project, provided such trailer is removed upon completion of the project.

ARTICLE 21. NON-CONFORMING USES

15-2101 -The lawful use of a building existing at the time of the effective date of this Ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted zoning classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

15-2102 - Whenever the use of a building becomes non-conforming through a change in the Zoning Ordinance or district boundaries, such use may be continued and, if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted zoning classification..

15-2103 - In the event that a non-conforming use of any building or premises is discontinued for a period of six months, the use of the same shall thereafter conform to the district in which it is located.

15-2104 - No building which has been damaged by fire, explosion, or act of God, to the extent of more than fifty percent of its reasonable value, shall be restored except in conformity with the regulations of this ordinance. (See Article 26).

15-2105 - No existing building or premises devoted to a use not permitted by this Ordinance in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such building or premises is located.

ARTICLE 22. PROHIBITED USES

15-2201 Buildings in Residentially Zoned Area.

No business building shall be erected in a residentially zoned district, nor shall any dwelling be converted to or used for any business purpose or character in a residentially zoned district, which business or service is secondary to the main use of the premises as a dwelling place or which changes the character thereof or changes the appearance with signs, material or equipment, or emits noise, odor, or other nuisances or causes unusual pedestrian or vehicular traffic pertinent to such business occupation or service, or which business or service uses or requires employment by other than members of a family residing in the dwelling, or which business, occupation or service uses or requires stock in trade, or commodities for sale, or solicitation, which are located on the premises.

15-2202 Detached Structures.

No garage, barn, shed, greenhouse, outbuilding or any other detached structure, except dog houses, children's playground equipment such as swing sets, jungle-gyms, teeter totters, sand boxes and similar types of recreational equipment, shall be built, placed, or constructed in any A, R-1, RP-1, or RP-2 district.

The Board of Zoning Appeals may, in its discretion, when deemed advisable, authorize exceptions to this regulation and restriction after conducting a public hearing thereon and due notice thereof by publication in the official City newspaper prior thereto.

ZONING ORD. 4-17-78

15-2203 Fences and Walls.

A. Intent The purpose of regulating fences and walls is:

1. To secure safety to life and welfare from hazards incident to man-made pools of all types.
2. To buffer uncomplimentary land uses and generally enhance the quality and appearance of a project site.
3. To ensure exterior privacy for residential developments.
4. To ensure that design, erection and construction of fences and walls do provide the proper structural strength, height, and surface drainage.

B. General Conditions and Plan Requirements

1. Permits shall be issued by the City and fences shall be subject to inspection in accordance with approved plans. Permits for swimming pools, wading pools, hot tubs, or similar man-made pool structures and fences for the same

shall be coordinated and issued by the City at the same time.

2. Fences shall not be located closer to the street line than the front building line or the side building line in the case of a corner lot.
3. Solid wood fences shall be constructed allowing for posts, rails and other construction details to be located on the "inside" of the fence.
4. Fences shall be constructed to allow for surface drainage.
5. Fences built in combination with walls shall not exceed the required height restrictions. In addition, fences built on slopes shall comply with the required height measured along the line of the fence location.
6. Fences enclosing man-made pool structures shall have safety latches mounted 48" above the ground line, or at the top of 4-foot fences.
7. Walls constructed as retaining walls shall be designed and constructed to support lateral loads.
8. Fences constructed within easements may be removed to allow access for utilities. The property owner shall be responsible for the relocation of any fences removed.
9. Fences shall be located on or proximal to the property line or adjacent to patios and/or decks, except as set forth in Item 2 above and except at terminations at the dwelling structure.

C. Height and Location

1. Fences four (4) feet or less in height may be constructed without a fence permit with the exception of fences enclosing swimming pools, wading pools, hot tubs, or similar man-made pool structures, providing the above General Conditions and Plan Requirements are complied with.
2. Fences over four (4) feet in height shall not be constructed until a permit has been issued, and shall not be permitted except under the following conditions:

   a. Four to six-foot fences are required to enclose swimming pools, wading pools, hot tubs, or similar man-made pool structures, and must be installed strictly in accordance with the approved plan. A man-made pool structure shall be considered to be "enclosed" by a fence located either adjacent to the structure or on the property line or other location complimentary to the site, so long as such structure is circumscribed.
   b. Fences up to six (6) feet in height are permitted adjacent to patios and/or decks to provide privacy to such areas, and must be installed strictly in accordance with the approved plan.

c. Fences up to six (6) feet in height may be required by the Plan Commission to provide screening and/or buffering of one property to another.

d. Fences up to six (6) feet in height may be allowed by the Plan Commission, if designed as an integral part of a planned residential development to provide privacy.

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15-2204 No Building Under Construction more than Six Months.

No building, structure or appurtenance shall be permitted or maintained upon which construction has ceased for a period longer than six months.

15-2205 No Fire Damaged Building Left Unrepaired Over Three Months.

No building, structure or appurtenance damaged by fire or windstorm shall be permitted to remain in such damaged condition for a period longer than three months.

15-2206 No Building Material Stored, Etc.

No building material, inoperable vehicle, construction equipment, machinery, or refuse shall be maintained or kept in the open upon any lot, plot, tract or premises other than during actual constructions operations upon said premises or related premises.

15-2207 Septic Tanks.

The use of septic tanks for disposal of sewage from buildings hereafter erected or moved into the City of Leawood is prohibited, except in areas where sewer mains of a public or private sewer system are found to be impractical by the City Council after report of the City Engineer. In such cases use of septic tanks shall be subject to the approval of a permit for the septic tank system after recommendation of the County Health Department.

ARTICLE 23. ADDITIONAL HEIGHT AND AREA REGULATIONS

15-2301 Supplements to Heights Regulations.

The regulations hereinafter set forth in this article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

A. Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding seventy-five feet, and places of worship may be erected to a height not exceeding ninety feet, if the building, or the portion thereof exceeding the height limit, of the applicable district, is set back from each minimum yard line at least one foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built; provided, however, that such exceptions shall not be permitted within three thousand feet of any airport or landing field.

B. Except as provided elsewhere in this Ordinance, chimneys, cooling towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers, scenery lofts, tanks, ornamental towers and spires, church steeples, silos, farm buildings, or necessary mechanical appurtenances, may be erected to any lawful and safe height.

C. No building or structure or any portion thereof shall be erected within the approach zone of any existing runway or landing strip in excess of a height above the elevation at the end of said runway, equal to one-fortieth of the horizontal distance from the end of said runway measured along the centerline of said runway extended. The approach zone is considered to be a trapezoidal area extending from the end of, and in the same direction as said runway for a distance of two miles. Such area is, in the case of an instrument runway, one thousand feet wide at the end of the runway and four thousand feet wide two miles from the end of the runway, and in the case of a noninstrument runway, five hundred feet wide at the end of the runway and twenty-five hundred feet wide two miles from the end of the runway.
Further, no building or structure or any portion thereof shall be erected in the transition zones on either side of an approach zone of any existing runway or landing strip in excess of a height above the elevation at the end of said runway, computed as follows: one-fortieth of the horizontal distance from the end of said runway measured along the centerline of said runway extended, plus one-seventh of the horizontal distance at the near edge of the approach zone, measured prependicular to the centerline of said runway extended. For the purpose of computing glide angles for the zoning of approaches to any airport in Leawood, Kansas, in all cases where an airport is bounded by a public road the effective length of the runways directed over any such public road shall be computed (using a slope of forty feet horizontal to one foot vertical) to produce a height of fourteen feet at the right-of-way line of such road nearest to the airport.

D. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a rear yard not more than five feet, and the ordinary projection of chimneys and flues are permitted.

E. An open unenclosed porch may project into a required rear yard for a distance not exceeding ten feet.

F. In residential districts, where existing residential buildings within a block and on the same side of a street, have front yards which vary more than fifteen feet, or which front yards exceed the minimum regulations of this ordinance, any construction of new, or additions to existing, buildings shall provide a front yard equal to the average of the front yard provided by the nearest buildings on both sides. In cases where such average yard is not equitable or practical in the opinion of the owner or the City Architect, the Board of Zoning Appeals shall determine the amount of front yard to be provided.

G. All corner lots shall provide sight distance triangles, the short leg of which shall be twenty feet, and the long leg of which shall be one hundred forty feet measured along the curb line or edge of the pavement. Such area shall be and remain free of shrubbery, fences or other obstruction to vision more than two feet in height measured from the roadway.

H. A through lot having one end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.

I. Accessibility to the rear portion of all lots in a District C-0 to M-1 inclusive for four-wheeled vehicles from and to a public street, alley or way shall be provided.

ARTICLE 24. ADDITIONAL PARKING REGULATIONS

15-2401 General Parking Regulations.

For all buildings or structures hereafter erected, constructed, reconstructed, or altered, off-street parking in the form of garages or areas made available exclusively for that purpose shall be provided. Except for the uses listed below, parking spaces shall be provided as set out in Sections 5 through 17 of this Zoning Ordinance. Any use not included in the parking regulations set out in this ordinance shall be assigned a parking ratio by the Plan Commission.

15-2402 Off-Street Parking Requirements.

Land Use or Establishment	Number of Spaces
Automobile service stations	3 spaces plus 1 space for each service bay.
Bowling Alleys	5 spaces for each alley plus additional spaces for affiliated uses.
Churches; Funeral Parlors; Clubs; Lodges; Indoor Theaters	1 space for each 4 seats.
Convalescent and Nursing Homes	1 space for each 2 beds.
Elementary and Jr. High School	1 space for each teacher and staff member.
Greenhouse	1 space for each 200 sq. ft. of contributing floor area.
High School	1 space for each teacher and staff member plus 1 space for each 4 students.
Hospitals	0.35 spaces per bed plus 0.95 spaces per doctor and 0.35 spaces per employee.
Hotels and Motor Hotels	1 space per bedroom plus 1 space per employee. Restaurants and meeting rooms included in the hotel shall provide an additional parking space for each 4 seats of seating capacity.

Land Use or Establishment	Number of Spaces
Private, Commercial or Trade Schools	1 space for each 100 sq. ft. of contributing floor area.
Private Meeting and Assembly Halls	1 space for each 50 sq. ft. of contributing floor area.
Restaurant	1 space for each 50 sq. ft. of seating area plus 1 space for each remaining 300 sq. ft. of contributing floor area.
Taverns	1 space for each employee plus one for each two seats or building capacity calculated by Building Code Standards.
Veterinary Clinics	1 space for each 300 sq. ft. of contributing floor area.

15-2403 Improvement of Parking Areas.

All parking areas shall be ready for use upon occupying a building and shall be surfaced with not less than six inches of rolled stone base and three inches of hot mix asphaltic wearing surface or equivalent strength full thickness hot mix asphalt or portland cement concrete prior to the issuance of an occupancy permit, unless special permission is granted by the City Architect, due to weather conditions not being satisfactory for placing materials. Ingress and egress shall be by means of paved driveways not exceeding thirty-five feet in width. Head-in parking from any public right-of-way shall not be permitted.

Any lights used to illuminate the parking area shall be so arranged as to direct light away from any adjacent premises in a residential district and shall be of a design that the source of illumination shall not be visible from off the premises. In addition the following regulations shall apply:

A. In Districts R-1 to RP-6 inclusive, no parking shall be permitted in the required front yard or within thirty feet of a public street, except that parking of motor passenger cars shall be permitted in customary driveways of single and two family dwellings.

B. All parking lots and drives leading thereto, except those serving single-family and two-family dwellings, shall have curbs and drainage facilities approved by the City Engineer. Where greater setback requirements do not prevail, the back of the curb of a paved parking area shall not be closer than six feet to a property line, except that in a planned zoning district, the Plan Commission may permit a lesser setback where similar development on an adjoining lot will produce a satisfactory relationship.

C. No signs shall be permitted except these necessary for the orderly parking thereon, and not more than one sign with maximum area of ten square feet at each entrance to identify such parking area and present any regulations governing same.

D. The Plan Commission may require that a parking area be screened on any side where it may adversely affect adjacent property, by a wall, screen planting or fence of a height that the Commission deems adequate.

E. A portion of the parking area required under this ordinance may remain unimproved until such time as the City Council deems it must be improved to serve the parking demand adequately. Such delay in improvements shall be permitted only after the Commission is satisfied that the initial occupancy of the premises will be adequately served by the lesser number of spaces and only after approval of a final development plan indicating clearly the location, pattern and circulation to and from the delayed parking spaces. The land area so delineated for future parking shall be brought to finished grade, be landscaped, and shall not be used for building, storage, loading or other purposes.

ARTICLE 25. SIGNS

15-2501 Signs may be permitted in Zoning Districts as follows:

A. District R-1, RP-1, RP-2, RP-3, RP-4, RP-5, RP-6.
See chapter 10, article 7, section 10-701 to 10-703 of the Revised Ordinance of the City of Leawood.

B. District CP-0, Planned Office Building District
Not more than two nonilluminated, indirectly illuminated or semi-illuminated wall signs shall be permitted on each office building, provided such signs shall indicate only the name of the building or establishments housed therein. No such sign shall have an overall area exceeding five percent of the area of the wall or facade upon which it is located. In lieu of one of the wall signs permitted above, one detached sign per building may be permitted in a District CP-0. Such detached sign shall not exceed one hundred fifty square feet in area per face, may be indirectly illuminated and shall be designed in harmony with the building. The materials, designs, dimensions and location on the site shall be approved as part of the final development plan for the project.

C. District CP-1 Restricted Business District.
Each business or commercial establishment shall be permitted not more than two non-illuminated, semi-illuminated or indirectly illuminated wall signs provided the area of each sign shall not exceed five percent of the total area of the facade upon which it is placed. In addition, one non-illuminated wall sign, not more than nine square feet in area, may be placed at each major entrance to the building. Such signs shall not extend above the height of the wall upon which they are mounted.

D. District CP-2 General Business District.

1. Each business or commercial establishment shall be permitted not more than three indirectly illuminated or non-illuminated wall or marquee signs, not more than one on a facade, the total area of which sign shall not exceed ten percent of the total area of the facade upon which it is placed. Such signs shall not extend above the average roof level of one-story building more than five feet, and shall not extend above the average roof level of two or more story buildings.

2. Where a shopping center, business park, office park or industrial park has been zoned as a unified and integrated project, only one detached sign for the entire project, center or park shall be permitted.

E. District MP-1, Industrial Park District.
Industrial establishments having one or more permanent buildings may provide not more than two indirectly illuminated signs, including projecting, marquee,detached or roof types, in any location on the premises or on the building, providing such signs shall not exceed height or yard requirements as set out herein for buildings in that district, not to exceed 10% of the area of the facade.

15-2502 Additional Regulations.

A. One indirectly illuminated, or non-illuminated sign displaying information pertinent to an uncompleted subdivision,office building complex, shopping center or industrial district shall be permitted within that ownership, provided that no such sign shall be closer than 200 feet to an occupied dwelling. This sign shall be considered temporary and shall be removed when a substantial amount of the development is completed. The sign shall not exceed 100 sq. ft. in area. Only one sign per street frontage shall be permitted. This regulation shall apply to construction and leasing signs.

B. All signs be of sound structural quality, be maintained in good repair, have a clean and neat appearance, and land adjacent shall be kept free from debris, weeds and trash.

C. All signs as permitted above shall be so constructed and installed as to be satisfactory to the City Architect.

D. No sign shall be installed, erected or set in place until a sign permit has been issued therefor by the City of Leawood. Such permits shall be clearly visible at all times and indicating the number of the permit issued therefor.

E. Temporary signs may be granted by permit issued by the City Council allowing the maintenance of signs in excess of the number allowed an individual business as set forth in this section. Each temporary sign permit shall be effective for a period of time not to exceed 30 days. Failure to comply with any specification, regulation and control placed on a temporary sign permit by the City Architect will immediately void said permit.

F. Private sign standards required. In the case of an office park, hotel or motor hotel, shopping center, industrial park or other grouping of three or more buildings, tenants or establishments, the developer shall prepare a set of sign standards regulating all signs. Such standards shall run with all leases or sales of portions of the development. The size, colors, materials, styles of lettering, appearance of any logo, type of illumination and location shall be set out in such standards. The standards shall be within the regulations set out in the codes of Leawood and shall be for the purpose of assuring harmony and visual quality throughout a project. Final development plans shall not be approved until the Plan Commission has approved the sign standards after having been assured that such standards will be enforced by the developer or owner. For purposes of this section the terms "shopping center, business park, office park, industrial park or other grouping" shall mean a project of one or more buildings that has been planned as an

integrated unit or cluster on property under unified control or ownership at the time that zoning was approved by the City. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with these regulations relative to number of detached signs, harmony and visual quality of signs to be installed.

G. Rotating, flashing, animated signs or signs having exposed neon tubing or digital readout or other source of illumination that is visible from off the premises and signs painted directly on building walls are prohibited in all districts.

ARTICLE 26. COMPLETION AND RESTORATION OF BUILDINGS

15-2601 Applicaton of this Article.

Nothing contained in this ordinance shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued, and plans for which are on file with the City of Leawood at the time of the passage of this ordinance and the construction of which shall have been commenced within six months of the date of such permit.

15-2602 Buildings Destroyed Less Than Fifty Percent.

Nothing in this ordinance shall be taken to prevent the restoration, within six months, of a nonconforming building destroyed to the extent of not more than fifty percent of its structural value by fire, explosion, or act of God, provided that when such restoration becomes involved in litigation, the time required for such litigation shall not be counted as a part of the six months required for reconstruction; and nothing in this ordinance shall be taken to prevent the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction, but any building so damaged more than fifty percent of its value may not be rebuilt, repaired, or used unless it is made to conform to all regulations for buildings in the district in which it is located.

ARTICLE 27. LANDSCAPING AND SCREENING

15-2701 Generally.

All plans submitted in support of a building permit application, except single-family dwellings, shall hereafter include a landscape plan and include screening where appropriate. All land areas which are to be unpaved or not covered by buildings shall be brought to finished grade, planted to grass or other ground cover and receive trees and shrubs in reasonable quantity and size.

15-2702 Intent.

The purpose of such landscaping is to provide greenery to visually soften paved areas and buildings, provide shade, give maximum absorption of surface water and generally enhance the quality and appearance over the entire area of the project. Plant material shall be generally native to the area and shall consist, for the most part, of growing vegetation.

15-2703 Planting Requirements.

Shade trees shall be planted on all projects and shall include such species as ash, sycamore, maple, oak or comparable trees suitable to the growing environment which prevails. Shade trees shall be of 2 to 2-1/2 inch trunk diameter or greater, measured one foot above the ground. Shade trees shall be planted in not less than the following quantities:

A. In lawn areas for lanscaped open space, one shade tree per three thousand square feet of such lawn or landscaped open space.

B. In parking lots, one island for each thirty parking spaces, each such island to be protected by portland cement concrete vertical curbs or similar permanent structure, be not less than the size of one parking space, and contain one or more shade trees, shrubs and ground cover. Such islands shall be spaced in the parking lot in such a manner as to provide greenery and shade in the various sections of the paved area, but may be combined into larger planting areas.

In addition to the above minimum shade tree requirements reasonable quantities of ornamental trees, shrubs and foundation plantings shall be included.

15-2704 Screening Requirements.

All multi-family residential projects and all commercial, office and industrial projects shall include, on the landscape plan, a detailed drawing of enclosure and screening methods to be used in connection with trash bins on the property. No trash bin shall be visible from off the property and a permanent masonry or frame enclosure shall be provided each bin.

All buildings or additions thereto in Districts CP-0 to MP-1 inclusive shall provide a solid screen fence or wall not less than six feet in height along all rear and side property lines which are common to property zoned for residential purposes except that such screening shall not extend in front of the building line of adjacent dwellings and shall not be required where such screening exists on the abutting residential property.

15-2705 Landscaping in Place Prior to Occupancy Permit.

All landscaping and screening shall be in place prior to issuance of final occupancy permit; however, a temporary certificate may be issued without the installation of landscaping if seasonal limitations prevent its planting, provided assurances are given that the planting will take place when the season arrives.

15-2706 Maintenance.

The trees, shrubs and other landscaping materials depicted on plans approved by the City shall be considered as elements of the project the same as parking areas, building materials and other plan details. Should such planting not be installed, maintained and replaced as is needed to comply with the approved plan, the owner shall be considered to be in violation of the terms of the building or occupancy permit and appropriate action may be taken.

Properly located hose connections and other watering facilities shall be provided to allow the required maintenance without undue difficulty or hardship on the tenant.

ARTICLE 28. ENFORCEMENT AND PERMITS

15-2801 Action on Application For Building or Land Use Permit.

The City Architect or his duly authorized representative shall be empowered to act within the provisions of this ordinance upon all applications for permits. In the event of refusal to issue a permit upon an application, as herein provided, the applicant shall have the right to appeal to the Board of Zoning Appeals as set forth in Article 30.

15-2802 Land Use Permit.

No open, vacant or unimproved land shall be used for any purpose other than agricultural without first obtaining a land use permit from the City Architect or his duly authorized representative. Land use permits shall be required for, but not limited to, the following uses:

A. Parking lots not included in a building permit;

B. Used car or auto storage lots not on premises of auto agency;

C. Machinery, equipment or materials storage yard;

D. Skeet shoots or target ranges;

E. Commercial, public or semi-public recreation areas, such as ball parks, golf courses, race tracks, fairs, and similar temporary or permanent uses;

F. Picnic groves, fishing lakes;

G. Cemeteries;

H. Nurseries.

I. Sod stripping or topsoil removal to be sold.

15-2803 Filing - Forms - Descriptions of Lot and Structure.

Applications for building, land use or other permits shall be filed with the City Architect upon forms prescribed, setting forth the legal description of the lot, tract or parcel of land, together with plans for any building, structure or other improvement to be constructed, erected or altered thereon, location of the building or structure upon the lot, tract or parcel, the intended use square foot areas of the lot, building and any addition and other information sufficient to assure compliance with the ordinances and regulations of Leawood.

15-2804 Conformance of Construction.

No permit shall be issued for any building, structure, construction or use unless the same be in conformity in every respect with approved final development plans, all the provisions of this ordinance, the subdivision ordinance and the building code of the City except as otherwise set out in Article 30 and other applicable sections of this ordinance.

15-2805 Approval or Denial of Application - Appeal.

The City Architect or his duly authorized representative shall be empowered to act within the provisions of this ordinance upon all applications for building or land use permits and the same shall be approved or denied not later than the fifth business day succeeding the day of filing. In the event of refusal to issue a permit upon an application, as provided in this article, the applicant shall have the right to appeal to the Board of Zoning Appeals as set forth in Article 30.

15-2806 Fee schedule for Building and Land Use Permits.

For each permit issued there shall be charged and collected from the applicant a fee in accordance with the provisions of Section ~~5-104~~ 5-203D, Rev. Ord. of City of Leawood, unless another fee is specifically provided for & 5-901-902 in this ordinance.

15-2807 Revocation of Permit.

A permit may be revoked by the City Architect at any time prior to the completion of the building or structure for which the same was issued, when it appears to him that there is departure from the plans, specifications, or conditions as required under terms of the permit, that the same was procured by false representation or was issued by mistake, or that any of the provisions of this ordinance are being violated. Written notice of such revocation shall be served upon the owner, his agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location, and thereafter no such construction shall proceed.

15-2808 Minimum Street Rights-of-way.

When a building or land use permit is requested on a lot or tract abutting a public street, the City Architect shall determine that adequate right-of-way exists on that portion of the public street abutting the property. The minimum right-of-way, measured from the centerline of the street to the property line of the lot or tract, shall be as follows:

A. Single and two-family area - 25 feet except that where property abuts a collector or arterial street the right-of-way shall be as set out below.

B. Multiple-dwelling and industrial areas - 30 feet;

C. Minor collector - 30 feet;

D. Commercial streets - 30 to 40 feet;

E. Major collectors and secondary arterials - 50 feet except that additional width shall be provided where steep topography or demand for extra lanes requires;

F. Primary arterials - 50 to 60 feet.

Street classification shall be determined by abutting land use or as depicted on the Major Street Plan.

15-2809 Non-Compliance With Right-of-way Requirements - Action.

In any case where the abutting right-of-way does not clearly comply with the above dimensions, a building or land use permit shall not be issued for the lot or tract until title for the required additional right-of-way has been conveyed to the City.

ARTICLE 29. CERTIFICATES OF OCCUPANCY

15-2901 Changes Not To Be Made Until Issued.

No change in the character of use of land or of a building shall be made, nor shall any new or old building or structure be so occupied or used until a certificate of occupancy is issued by the City Architect or his authorized

representative certifying that such building or use complies with all regulations of the zoning ordinance, building code and all other ordinances and regulations applicable thereto.

15-2902 Records - Furnishing Copies.

A record of all certificates of occupancy shall be kept on file in the office of the City Architect, and copies shall be furnished on request to any persons having a proprietary or tenancy interest in land or building affected by such certificate of occupancy.

15-2903 Parking.

Before a certificate of occupancy is issued on a new use or change in use of an existing building or structure, all parking requirements as specified elsewhere in this ordinance shall be met.

ARTICLE 30. BOARD OF ZONING APPEALS

15-3001 Members.

17-301 The Board of Zoning Appeals shall consist of five (5) members, all of whom shall be residents of the City, and who shall be appointed by the Mayor, by and with the consent of the Council. None of the members shall hold any other public office of the City, except that one member may be a member of the Plan Commission.

17-302 A. Term. Each member shall serve for a term of three years and shall be appointed at the organizational meeting of the Governing Body held the first Monday in May of each year. Appointments shall be so staggered that no more than two members' terms shall expire in one year. Vacancies shall be filled by appointment of the Mayor, by and with the consent of the Council, as said vacancies occur. 17-303 The appointment shall be for the balance of the unexpired term.

omitted B. Compensation. Members of the Board of Zoning Appeals shall serve without compensation.

17-304 C. Officers. The Board of Zoning Appeals shall annually elect one of its members as Chairman, and shall appoint a secretary, who may be an officer or an employee of the City.

17-305 D. Rules. The Board shall from time to time adopt rules of procedure to regulate the conduct of its business. Such rules shall be submitted by recommendation of the Board of Zoning Appeals to the Governing Body in resolution form for approval.

17-305 E. Meetings. Meetings of the Board shall be held on the third Wednesday of each month and at such other times as the Board may determine to be required for the conduct of its meetings or upon call of the chairman. Meetings shall be held at the City Hall unless circumstances make that location impracticable for a particular session, in which case, said meeting shall be held at any convenient place within the City.

17-305 F. Records. The Board of Zoning Appeals shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board, decisions of the Board and the vote upon each question. Records of all official actions of the Board shall be filed in its office which shall be in the office of the City Clerk and shall be a public record.

15-3002 Powers and Duties.

17-306 The Board of Zoning Appeals shall administer the details of appeals from, or other matters referred to it regarding, the application of the Zoning Ordinance as hereinafter provided. The Board:

17-310 Shall hear and decide appeals by any person, officer of the City, government agency or body affected by any decision of the officer administering the provisions of the Zoning Ordinance.

17-309 B. Shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an officer administering the enforcement of the Zoning Ordinance.

17-308(a) C. May, when it shall deem the same necessary, grant variances to the Zoning Ordinance to authorize, in specific cases, a variance from the specific terms of the ordinance which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in unnecessary hardship, and provided that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done. Such variance shall not permit any use not permitted by the Zoning Ordinance in the use district within which the particular property be located. A request for a variance may be granted in such cases, upon a finding of the Board that all of the following conditions have been met:

17-308(b)

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district, and is not created by an action or actions of the property owner or applicant.

2. That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owner or residents.

3. That the strict application of the provisions of the Zoning Ordinance on which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

4. That the variance desired will not adversely affect the public safety, health, morals, order, convenience, prosperity or general welfare; and

5. That granting the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance.

D. May, when it shall deem the same necessary, grant exceptions to the provisions of the Zoning Ordinance in those instances where the Board is specifically authorized to grant such exceptions and only under the terms of the Zoning Ordinance.

17-307(b) In no event shall exceptions to the provisions of the Zoning Ordinance be granted where the use or exception contemplated is not specifically listed as an exception in the Zoning Ordinance. Further, under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of the exception as established by the Governing Body are not found to be present.

E. Shall have the power, in specific cases, to modify or vary building or setback lines on streets for which a building or setback line has been adopted by the governing body as part of its comprehensive plan in order that unwarranted hardship, which constitutes complete deprivation of use as distinguished from merely granting a privilege, may be avoided, yet the intended purpose of the regulations shall be strictly observed and the public and public safety protected.

Omitted

In exercising the foregoing powers, the Board, in conformity with the provisions of this Article, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions and may order issuance of a permit.

17-306

15-3003 Procedure on Application to the Board of Zoning Appeals.

A. Appeals to the Board of Zoning Appeals shall be initiated by the applicant within a reasonable time after the decision appealed from has been made. Applicant shall file with the City a notice of appeal setting forth the specific grounds therefor.

17-309

B. The officer from who the appeal is taken when notified by the Board or its agent, shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Omitted

C. The Board shall fix a reasonable time for the hearing of an appeal or any other matter referred to it.

17-310 b

D. Notice of the time, place, and subject of the hearing shall be published once in the official city newspaper at least twenty (20) days prior to the date fixed for hearing. A copy of said notice shall be mailed to each party to the appeal and to the City Plan Commission.

17-310 b+c

15-3004 Appeal From Order of Board.

Any person, official, or governmental agency dissatisfied with any order or determination of the Board of Zoning Appeals may bring action in the District Court of Johnson County to determine the reasonableness of any such order or determination.

Omitted

ARTICLE 31. PROCEDURE FOR REZONING LAND, ORDINANCE AMENDMENTS AND SPECIAL USE PERMITS

15-3101 Who May Apply.

Applications for amendment, revision or change of the zoning district map or for a special use permit may be made by any person, or his agent, who owns the land sought to be rezoned or specially used. If such application is made by the owner's agent, or developer's agent, the agent shall enter upon the application the name and current mailing address of the owner and all persons involved in the application. Applications for amendment, revision or change of any portion of the Zoning Ordinance, may be made by any interested person.

15-3102 Rezoning Property to a Planned District.

A tract of land may be zoned RP-1 through MP-1 inclusive, only upon application by the owner or his agent, and only upon approval of a development plan. The proponents of a planned district shall prepare and submit to the planning department ten copies of:

A. A development plan showing the property to be included in the proposed development, plus the area within two hundred feet thereof.

B. The following items shall be included on the property to be developed:
   1. Existing topography with contours at five foot intervals, and delineating any land areas subject to one hundred-year flood.
   2. Proposed location of buildings and other structures, parking areas, drives, walks, screening, drainage patterns, public streets, and any existing easements.
   3. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas, and other elements of the plan.
   4. General extent and character of proposed landscaping.

C. The following items shall be shown on the same drawing within the two hundred foot adjacent area:
   1. Any public streets which are of record.
   2. Any drives which exist or which are proposed to the degree that they appear on plans on file with the City except those serving single-family houses.
   3. Any buildings which exist or are proposed to the degree that their location and size are shown on plans on file with the City. Single and two-family residential buildings may be shown in approximate location and general size and shape.
   4. The location and size of any drainage structure, such as culverts, paved or earthen ditches or storm sewers and inlets.

D. Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. In the event of several buildings, a typical sketch may be submitted. In case several building types, such as apartments and business buildings are proposed on the plan, a separate sketch shall be prepared for each type. Such sketches shall include elevation drawings, but detailed drawings and perspectives are not required.

E. A schedule shall be included indicating total floor area, dwelling units, land area, parking spaces and other quantities relative to the submitted plan in order that compliance with requirements of this ordinance can be determined.

The Plan Commission shall hold a public hearing on the plan as provided by law. At such time as the development as planned meets with the approval of the Commission, the same shall be duly approved, properly endorsed and identified and sent on to the Council for action.

Upon final approval of the plan and the rezoning of the tract, construction may proceed and conformance with the plan and all supporting documentation is mandatory. All final plans shall be submitted to the Plan Commission and approved as to compliance with the development plan prior to the issuance of a building permit. The final plans submitted shall include construction drawings of all building elevations, grading, floor plans, site plan, drainage, a landscape and screening plan showing species and size of all plant material, areas to be seeded, etc., all to be in keeping with the development plan as approved. If, in the judgment of the Commission, the concept of development, as depicted on the final plans, deviates substantially from the concept of the development plan submitted for zoning, the Commission shall deny the request for final plan approval. A final development plan shall not be approved by the Commission if deviation from the approved preliminary:

1. Increases density or intensity of residential uses more than 5 percent.

2. Increases the floor area of non-residential buildings by more than 10 percent.

3. Increases by more than 5 percent the ground covered by buildings, or;

4. Increases the height of a building by one or more stories.

5. Involves changes in ownership patterns or stages of construction that will lead to a different development concept, less architectural harmony or quality or impose substantially greater loads on streets and neighborhood facilities.

Denial of final plans by the Plan Commission may be appealed to the Council who may reverse or reaffirm the Commission's decision. The applicant, in the case of denial, by either the Plan Commission or Council, may apply for a new hearing, with publication and posting as required in this Article, which procedure constitutes a rezoning action, and the Commission and Council may approve or deny the final plans after said procedure. ZONING ORD. 4-17-78

15-3103 Procedure Upon Receipt of Application and Fee for Change.

All applications for rezoning land, amendment, or special use permits shall be submitted to the City no less than thirty (30) days prior to a scheduled hearing and shall be accompanied by a fee as set out in Section 5-110, Revised Ordinances, City of Leawood.

Immediately upon receipt of such application and fee the City Staff shall note thereon the date of filing and make a permanent record thereof. All such applications shall be set down for hearing not later than the second regular monthly meeting of the Plan Commission from the date of termination of the earliest publication period available thereafter required by law. Any such hearing may, for good cause, in the discretion of the Plan Commission be continued for a definite time to be specified in the record of the Plan Commission. Notice of such hearing shall be published in one issue of the official newspaper of the City, such notice to be published not less than twenty (20) days prior to the date of said hearing before the Plan Commission. In addition to such publication notice, the applicant shall

be responsible for mailing notices of such proposed change to all the owners of lands located within two hundred feet of the area proposed to be altered, at least ten days prior to the hearing, thus providing an opportunity to all interested parties to be heard. Such mailed notice shall be given by certified mail, return receipt requested, and shall be in the form of a letter explaining the proposed change. Newspaper clippings of the publication notice shall not be used and such mailed notices shall be addressed to the owners of land mentioned herein and not to mere occupants of such lands. Failure to receive such notice shall not invalidate any subsequent action taken. ORD. NO. 682 11-3-80

15-3104 Proof of Ownership.

Applicant shall furnish proof that he is the owner or has an option to purchase or is under contract to purchase the land described in the application.

15-3105 Sign Announcing Pending Action.

A. Each applicant for rezoning and each applicant for a special use permit shall, not later than fifteen days prior to the date of the hearing scheduled before the Plan Commission place a sign upon the lot, tract or parcel of land for which the application was filed. The sign shall be furnished by the City to the applicant; and the applicant shall firmly affix and attach the sign to a wood or metal backing or frame and place the sign as hereinafter set forth.

REZONING PENDING
Application Number

_____

From _____ To _____

PUBLIC HEARING AT CITY HALL
BEFORE PLANNING COMMISSION

CITY OF LEAWOOD, KANSAS

Unauthorized Removal, Defacing, or Destruction of this Sign Punishable upon Conviction by Fine not Exceeding $100.00 and/or not more than 30 Days Imprisonment.

B. Maintenance of Sign - Affidavit. The sign shall be maintained and kept in place by the applicant until the conclusion of the public hearing before the Plan Commission for such application, or until withdrawal of the application, at which time the sign may be removed by the applicant; but in any event, the sign shall be removed by the applicant after final action on the application. The applicant shall file an affidavit at the time of the public hearing before the Plan Commission that the sign was placed and maintained to the hearing date as required by this ordinance. No application shall be heard by the Plan Commission or the City Council unless such affidavit has been filed.

C. Placement of sign. The bottom of the sign shall be a minimum of two feet above the ground line. The sign shall be placed within five feet of the street right-of-way line, in a central position of such lot, tract or parcel of land and shall have no visual obstructions thereto. If the lot, tract or parcel of land has more than one street abutting thereto, the sign shall face the street with the greatest traffic flow. If the lot, tract, or parcel of land is larger than five acres, a sign as required by this Article shall be placed so as to face each of the streets abutting thereto.

D. Defacing or destroying sign-penalty. It is a public offense for any person to remove, deface or destroy any sign provided for by this ordinance. Any person, upon conviction thereof, shall be punished as provided in Article 35.

15-3106 Approval or Denial of Change - Summary of Proceedings.

Following the final hearing of such application, the Plan Commission shall approve or deny the same, at the earliest reasonable time, and shall transmit an accurate written summary of the proceedings to the City Clerk.

15-3107 Submission of Plan Commission Action to Council-Continuance.

Following the receipt of the summary of the action of the Plan Commission, the City Clerk shall submit the same to the City Council for action approving or disapproving the recommendation of the Plan Commission. The Council may for good cause continue its action upon such application or take the same under advisement for final decision at a later date; and in any case the record shall show the reason for such continuance or withholding of action.

The Council also may, if deemed advisable for the best interest of the public and applicant, refer such application back to the Plan Commission, for further consideration and may include public hearing upon publication notice of the time, place and purpose of such hearing, such notice to be published in one issue of the official City newspaper not less than five days prior to such hearing. The applicant shall not be required to pay an additional filing fee in such rehearing proceedings as herein provided.

15-3108 Lesser Change Than Requested.

A. The Plan Commission may recommend a change to a zoning district which is less restrictive than that requested by the applicant, provided such change is in keeping with the following:

1. Residential Districts:

RP-1, Planned Single-Family Residential - Most Restrictive
R-1, Single-Family Residential
RP-2, Two-Family Residential
RP-4, Cluster Dwelling House
RP-3, Garden Apartment District
RP-5, Apartment House District
RP-6, High-Rise Apartment District - Least Restrictive

2. Business Districts:

CP-0, Office Building District - Most Restrictive
CP-1, Restricted Business District
CP-2, General Business District - Least Restrictive

B. Equal or more restrictive change. The Plan Commission may recommend and the City Council may adopt a change in zoning which is more restrictive than the one requested, provided the more restrictive district is in the same R, or C category for which the change was requested. In no case may a change to an R District be approved if the application is for a C or M District, and in no case may a C District be approved if the application is for an M District. Applications for District A or REC may not be changed to another category unless a new application is filed.

15-3109 Action by Plan Commission.

Recommendations for amendment, revision, change or repeal of the zoning ordinance, zoning district map, rules or regulations, may also be made by the Plan Commission upon its own motion or by the City Council, providing the same are first submitted to the Plan Commission for hearing and recommendation. In either case, final action by the City Council shall be taken only after hearing upon publication, notice and recommendation, whether favorable or otherwise, by the Plan Commission, in the manner hereinbefore provided.

15-3110 Protest Against Change.

If, however, a protest against such amendment, supplement, or change is filed in the office of the City Clerk within fourteen days after the date if the conclusion of the hearing pursuant to the publication notice, duly signed by the owners of twenty percent or more of any real property proposed to be rezoned, or by the owners of twenty percent of the total area, excepting public streets or ways, located within or without the corporate limits of the City and located within two hundred feet of the boundaries of the property proposed to be rezoned, such amendment shall not be passed except by at least three-fourths vote of all the members of the Council. All signatures on said protest petition must be verified by one of the signers as to the genuineness and correctness of the signatures thereon.

15-3111 Traffic Study May Be Required.

In the case of an application for rezoning of land for use which may, in the opinion of the Commission or Council, substantially change traffic patterns, or create traffic congestion, either body may, by motion, require that the applicant procure the services of a competent professional traffic engineer for the purpose of preparing a traffic study. Such traffic study shall show how the traffic generated by the proposed development will be handled on the site in an orderly and efficient manner, and how vehicular ingress and egress from the site onto public streets will function.

ARTICLE 32. CREATION, POWERS AND DUTIES OF PLAN COMMISSION

15-3201 Creation of Commission.

17-101

17-102

The Leawood City Plan Commission, duly created by previous actions, is hereby continued. Said commission shall consist of nine electors, seven of whom shall be electors of the city and two shall reside outside of, but within three miles of the corporate limits of the city.

15-3202 Terms.

17-102 Members shall be appointed for staggered three year terms, by the Mayor, by and with the consent of the Council. Vacancies shall be filled by appointment by the Mayor for the unexpired term only. Members of the commission shall serve without compensation for their service.

15-3203 Meetings: Chairman: Record.

17-103 The members of the City Plan Commission shall meet at least once a month at such time and place as they may fix by resolution. They shall select one of their members as chairman and one as vice-chairman who shall serve one year and until their successor has been selected. Special meetings may be called at any time by the chairman or in his absence, by the vice-chairman. A majority of the commission shall constitute a quorum for the transaction of business. The commission shall cause a proper record to be kept at its proceedings.

15-3204 Powers and Duties of Commission: Comprehensive Plan: Review.

17-104 The Plan Commission is hereby authorized to make or cause to be made a comprehensive plan for the development of such city and any unincorporated territory lying outside of the city but within the county in which such city is located, which in the opinion of the commission, forms the total community of which the city is a part. In the preparation of such plan, the Plan Commission shall make or cause to be made, comprehensive surveys and studies of past and present conditions and trends relating to land use, population and building intensity, public facilities, transportation and transportation facilities, economic conditions, natural resources, and may include any other element deemed necessary to the comprehensive plan. Such proposed plan, which may in addition to a written presentation, include maps, plats, charts and other descriptive matter, shall show the commission's recommendations for the development or redevelopment of said territory including: (a) The general location, extent and relationship of the use of land for agriculture, residence, business, industry, recreation, education, public buildings and other community facilities, major utility facilities both public and private and any other use deemed necessary; (b) Population and building intensity standards and restrictions and the application of the same; (c) Public facilities including transportation facilities of all types whether publicly or privately owned which relate to the transportation of persons or goods; (d) Public improvement programming based upon a determination of relative urgency; (e) The major sources and expenditure of public revenue including long range financial plans for the financing of public facilities and capital improvements, based upon a projection of the economic and fiscal activity of the community, both public and private; (f) Utilization and conservation of natural resources, and (g) Any other element deemed necessary to proper development or redevelopment of the area.

The Plan Commission by an affirmative vote of a majority of its members, may approve the recommended comprehensive plan as a whole by a single resolution or may by successive resolutions approve parts of the plan, said parts corresponding with the major geographical sections of the area or with functional subdivisions of the plan. Such resolution shall specifically identify any maps, plats, charts or other materials made a part of such plan. Before the approval of any such plan or part thereof the Plan Commission shall hold a public hearing thereon, notice of which shall be published once in the official city newspaper at least twenty (20) days prior to the date fixed for hearing. Upon the approval of any such plan or part thereof, a certified copy of the same shall be submitted to the governing body of the city and all other legislative and administrative agencies affected thereby.

The governing body of the city and other legislative and administrative agencies shall, within sixty (60) days after the receipt thereof, consider such proposed plan or part thereof and submit a statement containing its recommendations regarding the same to the Plan Commission. The Plan Commission shall reconsider such matter and thereafter may adopt such proposed plan or part thereof as the official plan of the city. All reports and documents forming the plan or part thereof as adopted shall bear the signature of the chairman and secretary of the Plan Commission and an attested copy of the same shall be certified to all legistative and administrative agencies affected by the plan. Such plan or part thereof shall constitute the basis or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as a wise and efficient expenditure of public funds.

The Plan Commission may at any time review or reconsider the plan or any part thereof and may propose amendments, extensions or additions to the same. The procedure for the adoption of any such amendment, extension or addition to any plan or part thereof shall be the same as that required for the adoption of the original plan or part thereof. The Plan Commission shall annually review such plan for the purpose of determining if any portion of the plan has become obsolete and shall make a report to the governing body regarding the same on or before the first day of June of each year. (K.S.A. 12-704).

ARTICLE 33. CONFLICT WITH OTHER LAWS

In interpreting and applying the provisions of this ordinance, said provisions shall be held to be the minimum requirements for the promotion of health, safety, morals or general welfare. Whenever this ordinance requires a lower height of building or less number of stories, or requires a greater percentage of lot to be left unoccupied, or imposes higher standards than are required in any other statute or local regulation, this ordinance shall govern.

ARTICLE 34. SAVING CLAUSE

All violations of the previous zoning regulations of the City of Leawood and of other regulations prior to annexation,which have accrued in the corporate area of Leawood at the effective date of this ordinance shall continue to be violations and shall not be considered legal nonconforming uses in this ordinance.

ARTICLE 35. INVALIDITY OF A PART

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 36. PENALTY FOR VIOLATIONS

17-203 The violation of any provision of this ordinance is a public offense and any person, firm, association, partnership, or corporation convicted thereof shall be punished by a fine not to exceed five hundred dollars; and the City shall further have the authority to maintain suits or actions in

any Court of competent jurisdiction for the purpose of enforcing any provisions of this ordinance and to abate nuisances maintained in violation thereof; and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure, or land. Each day any violation of this ordinance shall continue shall constitute a separate offense.

PASSED BY THE City Council this

April 17, 1978
Date

(S) J. Oberlander
City Clerk

APPROVED BY THE Mayor this

April 17, 1978
Date

(S) Eugene E. Alt
Mayor

VI. ZONING ORDS.

ORDINANCE NO. 787

AN ORDINANCE RELATING TO ZONING OF CERTAIN PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

16-109. Section 1. The following described real property is hereby designated as being zoned R-1, Single Family Residential District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, this property having been previously zoned A, Agricultural:

The West 1/2 of the Northeast 1/4 of Section 28, Township 13, Range 25.

(Southeast corner of Roe Ave. and 127th Street; approximately 80 acres; The Woodlands)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 8/1/83 Second Reading: 8/15/83

Passed by the Governing Body this 15th day of August, 1983.

Approved by the Mayor this 15th day of August, 1983.

(S E A L)

Kent E. Crippen Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

ORDINANCE NO. 789

AN ORDINANCE RELATING TO ZONING OF CERTAIN PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

16-110. Section 1. The following described real property is hereby designated as being zoned R-1, Single Family Residential District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, this property having been previously zoned A, Agricultural:

All that part of the NW1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the NW1/4 of said Section 16; thence S 1° 41' 29" E, along the West line of the NW1/4 of said Section 16, a distance of 2653.09 feet, to the Southwest corner thereof; thence N 87° 46' E, along the South line of the NW1/4 of said Section 16, a distance of 540 feet, to the true point of beginning of subject tract; thence N 2° 14' W, along a line perpendicular to the South line of the NW1/4 of said Section 16, a distance of 71.38 feet; thence N 17° 57' 50" E, a distance of 403.43 feet; thence N 1° 41' 29" W, a distance of 352.73 feet; thence Northwesterly, along a curve to the right, having a radius of 400 feet, a central angle of 16° 41' 29", and whose initial tangent bearing is N 79° 25' 21" W, a distance of 116.53 feet; thence N 27° 16' 08" E, a distance of 137.61 feet, to the Southwest corner of Lot 18, Block 5, LEAWOOD COUNTRY MANOR, SECOND PLAT, a subdivision of land now in the City of Leawood, Johnson County, Kansas; thence S 86° 38' 19" E, along the Southerly line of said Lot 18, a distance of 125.04 feet, to the Southeast corner thereof; thence Southerly, along the Westerly right-of-way line of Rosewood, as now established, said line being on a curve to the left, having a radius of 300 feet, a central angle of 2° 10' 38", and whose initial tangent bearing is S 3° 21' 41" W, a distance of 11.40 feet, to a point on the Westerly extension of the South line of Lot 3, Block 6 of said LEAWOOD COUNTRY MANOR, SECOND PLAT; thence S 88° 48' 57" E, along the South line and its extension of said Lot 3, a distance of 175 feet, to the Southeasterly corner thereof; thence N 17° 37' E, along the Southeasterly line of said Lot 3, a distance of 70.51 feet, to the Northeasterly corner thereof; thence N 55° E, along the Southeasterly line of Lot 2 of said Block 6, a distance of 69.07 feet, to the Southeasterly corner thereof; thence N 67° 54' E, along the Southerly line of Lot 1 of said Block 6, a distance of 116.77 feet, to the Southeasterly corner thereof; thence Southeasterly, along the Westerly right-of-way line of Juniper Drive, as now

established, said line being on a curve to the left, having a radius of 750 feet, a central angle of 19°, and whose initial tangent bearing is S 22° 06' E, a distance of 248.71 feet, to a point of tangency; thence S 41° 06' E, along the Westerly right-of-way line of said Juniper Drive, a distance of 50 feet, to its intersection with the Southeasterly right-of-way line of 112th Terrace, as now established; thence N 48° 54' E, along the Southeasterly right-of-way line of said 112th Terrace, a distance of 175 feet; thence N 41° 06' W, a distance of 50 feet, to the most Easterly corner of Lot 21, Block 1 of said LEAWOOD COUNTRY MANOR, SECOND PLAT; thence N 38° 08' W, along the Northeasterly line of said Lot 21, a distance of 111.32 feet, to the most Northerly corner thereof; thence N 20° 48' W, along the Easterly line of Lots 20 and 19 of said Block 1, a distance of 186.44 feet, to the Northeasterly corner of said Lot 19; thence N 3° 52' W, along the Easterly line of Lot 18 of said Block 1, a distance of 93.26 feet, to the Northeasterly corner thereof; thence N 87° 41' 54" E, along the Southerly line of Lot 17, Block 1 of said LEAWOOD COUNTRY MANOR, SECOND PLAT, and along the South line and its extension of Lots 14 through 4 inclusive, Block 1, LEAWOOD COUNTRY MANOR, a subidivision of land now in the City of Overland Park, Johnson County, Kansas, and along the North line of the S1/2 of the NW1/4 of said Section 16, a distance of 1398.35 feet, to the Northeast corner of the S1/2 of the NW1/4 of said Section 16; thence S 1° 27' 52" E, along the East line of the NW1/4 of said Section 16, a distance of 1329.76 feet, to the Southeast corner thereof; thence S 87° 46' W, along the South line of the NW1/4 of said Section 16, a distance of 2103.06 feet, to the true point of beginning of subject tract.

(between Roe Ave. & Nall Ave. south of the existing development at Leawood Country Manor; 55.794 acres, more or less)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 11/21/83 Second Reading: 12/5/83

Passed by the Governing Body this 5th day of December, 1983.

Approved by the Mayor this 5th day of December, 1983.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

ORDINANCE NO. 811

AN ORDINANCE RELATING TO ZONING OF CERTAIN PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

16-111. Section 1. The following described real property is hereby designated as being zoned R-1, Single Family Residential District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, with restrictions as set forth herein, this property having been previously zoned A, Agricultural:

> The NW 1/4 of the NW 1/4 and the North 13 acres of the SW 1/4 of the NW 1/4 of Section 27, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas.
>
> (Waterford subdivision, first phase, 53 acres, approx. 127th Terr. & Mission Rd.)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/2/84 Second Reading: 4/16/84

Passed by the Governing Body this 16th day of April, 1984.

Approved by the Mayor this 16th day of April, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ORDINANCE NO. 815

AN ORDINANCE RELATING TO ZONING OF CERTAIN PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

16-112. Section 1. The following described real property is hereby designated as being zoned R-1, Single Family Residential District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, this property having been previously zoned A, Agricultural:

S1/2, SE1/4, SE1/4, Section 21-13-25

(Aimtree subdivision; 127th and Mission Road)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 6/18/84 Second Reading: 6/18/84

Passed by the Governing Body this 18th day of June, 1984, the Council having deemed this to be an emergency matter.
Approved by the Mayor this 18th day of June, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ORDINANCE NO. 822

AN ORDINANCE RELATING TO ZONING OF CERTAIN PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

16-113. Section 1. The following described real property is hereby designated as being zoned R-1, Single Family Residential District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, this property having been previously zoned A, Agricultural:

> Beginning at a point in the Northeast corner of Section 21, Township 13, Range 25; thence South 339.9 feet; thence West 735 feet, thence North 189.1 feet to the centerline of Tomahawk Creek, as now established; thence in a Northeasterly direction along the centerline of said Tomahawk Creek to a point on the North line of Section 21, Township 13, Range 25; thence East 400 feet to the point of beginning, except all that part of the Northeast 1/4 of Section 21, Township 13, Range 25 now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Northeast corner of the Northeast 1/4 of said Section 21; thence South 87° 56' 01" West along the North line of the Northeast 1/4 of said Section 21, a distance of 335 feet to the true point of beginning of subject tract; thence continuing South 87° 56' 01" West along the North line of the Northeast 1/4 of said Section 21, a distance of 65 feet; thence South 63° 45' 04" West, a distance of 366.45 feet to a point 735 feet West of the East line of the Northeast 1/4 of said Section 21, thence South 2° 20' 21" East along a line 735 feet West of and parallel to the East line of the Northeast 1/4 of said Section 21, a distance of 189.10 feet; thence North 47° 31' 15" East, a distance of 523.24 feet to the true point of beginning of subject tract and also except that part in roads.
>
> (Southwest corner of Mission Rd. & 119th St.; Mission View)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 8/20/84 Second Reading: 9/4/84

Passed by the Governing Body this 4th day of September, 1984.

Approved by the Mayor this 4th day of September, 1984.

(S E A L)

Kent E. Crippin Mayor

ORDINANCE NO. 830

AN ORDINANCE RELATING TO ZONING OF CERTAIN PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

16-114. Section 1. The following described real property is hereby designated as being zoned R-1, Single Family Residential District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, this property having been previously zoned A, Agricultural:

> Beginning at the Northeast corner of the Southeast 1/4 of Section 27, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas; thence S. 2° 12' 40" E. along the East line of said SE1/4, a distance of 840 feet to a point; thence S. 88° W. a distance of 285 feet to a point on a curve; thence on said curve to the left and in a Southerly direction, having a radius of 360 feet and a central angle of 64° to a point; thence S. 24° W. a distance of 217 feet to a point; thence N. 65° W. a distance of 1250 feet to a point; thence N. 76° W. a distance of 510 feet to a point; thence N. 87° E. a distance of 300 feet more or less to a point in the West line of the said SE1/4; thence North along the West line of said SE1/4 to the NW corner of the said SE1/4; thence N. 87° 34' E. along the North line of the said SE1/4 to the Point of Beginning and containing 49 acres more or less.
>
> (Greenbrier of Leawood; south of Leawood South & west of old airport property)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 8/20/84 Second Reading: 9/4/84; 11/5/84

Passed by the Governing Body this 5th day of November, 1984.

Approved by the Mayor this 6th day of November, 1984.

(S E A L)

Kent E. Crippen Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ORDINANCE NO. 832

AN ORDINANCE RELATING TO ZONING OF CERTAIN PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

16-115. Section 1. The following described real property is hereby designated as being zoned R-1, Single Family Residential District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, this property having been previously zoned RP-4, Planned Cluster Residential:

> The SW Quarter of the SW Quarter of Section 21, Township 13, Range 25 in Leawood, Kansas, commencing at the SE corner of said Section thence approximately 700' due West; thence 90° North approximately 830'; thence W 122.5° N approximately 670'; thence S approximately 90° W a distance of approximately 700'; thence S 169° E approximately 530'; thence due East approximately 780' to the point of beginning, an area of approximately 19 acres.
>
> (north of 127th Street between Roe and Nall; Patrician Woods)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/15/84 Second Reading: 11/5/84

Passed by the Governing Body this 5th day of November, 1984.

Approved by the Mayor this 6th day of November, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ARTICLE 1. SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)

16-101. CITY HALL. There is hereby established a City Hall on Lots 117 and 118, Leawood Estates, in the City of Leawood, address 9615 Lee Boulevard. Such City Hall shall be used as a municipal building.
ORD. NO. 109 5-28-57

16-102. FIRE STATION. There is hereby established a Fire Station on Lots 115 and 116, Leawood Estates, in the City of Leawood, address 9609 Lee Boulevard. ORD. NO. 47 4-14-52

16-103. ZONING CLASSIFICATION. A tract of land located within the Northeast corner of Section 16, Township 13, Range 25, in Johnson County, Leawood, Kansas (legal description given) is hereby designated as being zoned for a private tennis club, under Sec. 15-402(a) Model Zoning Code & Subdivision Regulations - 1973 Edition, Permitted Uses - Single Family Residential District - R-1. (Plan Comm. Case #7-75) ORD. NO. 511 3-15-76

16-104. The owner of said tract shall make provision with the City for adequate storm drainage therefrom. ORD. NO. 511 3-15-76

16-105. A tract of land commonly known as 9401 Mission Road (legal description given) is designated for an enumerated use, under Sec. 15-402(a) paragraph b of the Model Zoning Code, 1973, Permitted Uses, Single Family Residential District R-1. ORD. NO. 551 7-18-77

16-106. A tract of land located on the North side of 123rd Street, 1/4 mile West of State Line (legal description given) is hereby designated as being zoned Single Family Residential (R-1) for the location of a school, which is an enumerated use, under Sec. 15-402(a) paragraph b of the Model Zoning Code, 1973, Permitted Uses Single Family Residential District R-1.
ORD. NO. 553 9-6-77

16-107. Two (2) tracts of land in Longwood Gardens (Section 21, Township 13, Range 25; legal descriptions given) are hereby designated as being zoned R-1, Single Family Residential District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, this property having been previously zoned Agricultural. ORD. NO. 676 6-16-80

16-108. A tract of land, the northeast corner of 127th Street and Roe Avenue in Patrician Woods (legal description given; Section 21, Township 13 South, Range 25) is hereby designated as being zoned Single Family Residential District, R-1.

This property was previously zoned Agricultural.
ORD. NO. 687 1-5-81

← Add 16-109 16-114
Add 16-110 16-115
" 16-111
" 16-112
" 16-113

ARTICLE 3. PLANNED MULTI-FAMILY RESIDENTIAL DISTRICT (R-3)

16-301. The property known and described as Tract C, except the North 100 feet thereof, and all of Tracts D, E, and F, LEAWOOD SOUTH, a subdivision in the City of Leawood, Johnson County, Kansas, according to the recorded plat thereof, be, and it is hereby, rezoned from a single family residential district to a planned multi-family residential district.

ORD. NO. 336 12-16-68

16-302. The tract of land described as:

All of the North 3/8 of the Northeast 1/4 of Section 16, Township 13, Range 25, in Leawood, Johnson County, Kansas, except the West 1/4 thereof and except the East 997.315 feet thereof

is hereby zoned Planned Multi-Family Residential District R-3.

ORD. NO. 451 3-4-74

16-303. ZONING CLASSIFICATION. Case #9-76. The following described tract of land

All of Tract "G" and a part of Tracts "H" and "I", Leawood South, Second Plat, a subdivision in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeast corner of said Tract "G"; thence S 87° 47' 00" W, along the North line of said Tract "G", 422.76 Feet to the Northwest corner thereof; said point also being on the Southeasterly right-of-way line of Sagamore Road; thence in a Southwesterly direction, along the Northwesterly line of said Tracts "G", "H", and "I", and along said right-of-way line, an arc distance of 1187.29 feet; thence S 0° 53' 10" E, 177.92 feet to a point on the South line of said Tract "I"; thence N 87° 36' 57" E, along the South line of said Tract "I", 84.20 feet, thence N 87° 59' 16" E, along the South line of said Tracts "I" and "H", 628.63 feet; thence N 2° 00' 44" W, 46.50 feet; thence N 87° 59' 16" E, 56.17 feet; thence N 2° 00' 44" W, 156.16 feet; thence N 39° 00' 44" W 51.66 feet; thence N 50° 59' 16" E, 70.00 feet; thence N 39° 00' 44" W 115.00 feet; thence S 50° 59' 16" W, 40.00 feet; thence N 39° 00' 44" W, 41.40 feet; thence N 35° 29' 16" E, 99.40 feet, thence S 54° 30' 44" E, 58.00 feet; thence N 35° 29' 16" E, 83.02 feet; thence S 35° 13' 18" E, 68.02 feet; thence N 54° 46' 42" E, 180.00 feet; thence S 35° 13' 18" E, 38.00 feet; thence N 54° 46' 42" E, 115.00 feet; thence N 35° 13' 18" W, 27.00 feet; thence N 54° 46' 42" E, 69.66 feet to a point on the East line of Tract "H"; thence N 2° 13' 18" W, along the East line of said tracts "H" and "G" 400.08 feet to the point of beginning, containing 550,344.402 square feet or 12.634 acres more or less and more commonly known by the street address of 128th and State Line Road, Southwest corner, west to Overbrook Road

is hereby designated as being zoned as Planned Multifamily Residential District R-3.

ORD. NO. 527 11-1-76

add 16304 + 305
See preceding pg.

ARTICLE 3. PLANNED MULTI-FAMILY RESIDENTIAL DISTRICT (R-3)

16-304. Case 3-77 A. THE FOLLOWING DESCRIBED TRACT OF LAND:

Part of the NE 1/4 Section 16, Twsp. 13, Range 25, more commonly described as: All of the N 1/2 of the SW 1/4 of the NW 1/4 of the NE 1/4 of Section 16, Twsp. 13, Range 25, in the City of Leawood, Kansas, except the west 345 feet thereof,

is hereby zoned Planned Multi-Family District. (Huntington Farms)

ORD. NO. 545 6-6-77

16-305. Case 3-77 B. THE FOLLOWING DESCRIBED TRACT OF LAND:

All of the South 1/2 of the South 1/2 of the NW 1/4 of the NE 1/4 of Section 16 and all of the N 1/2 of the N 1/2 of the N 1/2 of the SW 1/4 of the NE 1/4 of said Section 16, all in Twsp. 13, Range 25, now in the City of Leawood, Johnson County, Kansas except that part thereof described as follows: Beginning at the Northwest corner of the S 1/2 of the SW 1/4 of the NW 1/4 of the NE 1/4 of said Section 16; thence Easterly, along the North line of the S 1/2 of the SW 1/4 of the NW 1/4 of the NE 1/4 of said Section 16, to a point 345 feet East of the West line thereof; thence Southerly, along a line parallel to the West line of the NE 1/4 of said Section 16, to a point 345 feet South of the North line of the S 1/2 of the SW 1/4 of the NW 1/4 of the NE 1/4 of said Section 16; thence Southwesterly to a point 395 feet South of the North line of the S 1/2 of the SW 1/4 of the NW 1/4 of the NE 1/4 of said Section 16 and 265 feet East of the West line of the NE 1/4 of said Section 16; thence westerly along a line 395 feet South of and parallel to the North line of the S 1/2 of the SW 1/4 of the NW 1/4 of the NE 1/4 of said Section 16, to a point on the West line of the NE 1/4 of said Section 16, thence Northerly, along the West line of the NE 1/4 of said Section 16, to the point of beginning,

is hereby zoned Planned Multi-Family District. (Huntington Farms)

ORD. NO. 545 6-6-77

← ~~Added 16-306, Ord. 587~~

ARTICLE 3. PLANNED MULTI-FAMILY RESIDENTIAL DISTRICT (R-3)

16-306 All that part of the NE 1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows:

> Beginning at a point on the North line of the SW 1/4 of the NW 1/4 of the NE 1/4 of said Section 16 and 345 feet East of the West line thereof, thence Southerly, along a line parallel to the West line of the NE 1/4 of said Section 16, to a point 345 feet South of the North line of the South 1/2 of the SW 1/4 of the NW 1/4 of the NE 1/4 of said Section 16; thence Southwesterly, to a point 395 feet South of the North line of the S 1/2 of the SW 1/4 of the NW 1/4 of the NE 1/4 of said Section 16 and 265 feet East of the West line of the NE 1/4 of said Section 16; thence Westerly, along a line 395 feet South of and parallel to the North line of the S 1/2 of the SW 1/4 of the NW 1/4 of the NE 1/4 ofsaid Section 16, to a point on the West line of the NE 1/4 of said Section 16;thence Northerly, along the West line of the NE 1/4 of said Section 16, to a point 307 feet North of the South line of the N 1/2 of the N 1/2 of the N 1/2 of the SW 1/4 of the NE 1/4 of said Section 16; thence Easterly, along a line 307 feet North of and parallel to the South line of the N 1/2 of the N 1/2 of the N 1/2 of the SW 1/4 of the NE 1/4 of said Section 16, to a point 321 feet West of the East line of the SW 1/4 of the NW 1/4 of the NE 1/4 of said Section 16; thence Northerly along a line 321 feet West of and parallel to the East line of the SW 1/4 of the NW 1/4 of the NE 1/4 of said Section 16, to a point on the North line thereof; thence Easterly, along the North line of the SW 1/4 of the NW 1/4 of the NE 1/4 of said Section 16, to the point of beginning,

being a portion of the land previously zoned B-4, Limited Office District, by Ord. No. 544 of June 6, 1977.

ORD. NO. 584 5-1-78

ARTICLE 4. PARK, RECREATION AND CLUB DISTRICT (C-1)

16-401. * LEAWOOD PARK. There is hereby established a City recreational park on the following described tract, to wit:

Beginning at the southwest corner of the northwest quarter of the southeast quarter of Section 10, Township 13, Range 25, Johnson County, Kansas; thence North along the West line of said quarter quarter section which line has a bearing of North 00° 12' East a distance of 564.325 feet to a point in the South line of proposed I-435 Highway, as now established; thence northeasterly along the southerly line of said highway following a curve bearing to the left and having a radius of 5879.578 feet whose initial tangent has a bearing of North 78° 54' 27" East a distance of 230.605 feet to a point; thence southeasterly along a line having a bearing of South 23° 05' 12" East a distance of 456.161 feet to a point; thence southeasterly along a line which line has a bearing of South 14° 15' 55" East a distance of 200.510 feet to a point in the South line of said quarter quarter section; thence West along the South line of said quarter quarter section which line has a bearing of North 89° 53' 40" West a distance of 455.634 feet to the point of beginning.

Situated in the County of Johnson, State of Kansas.

CODIFICATION, 1970

16-402. LEAWOOD SOUTH COUNTRY CLUB, INC. There is hereby established a Park, Recreation and Club District in the Leawood South subdivision of the City of Leawood, Kansas, as covered by the Certificate of Survey dated December 9, 1975, copy of which is attached to the original ordinance on file in the City Clerk's Office and made an official part of the record. This tract is more commonly known as Leawood South Country Club, Inc., 12701 High Drive, Leawood, Kansas.

ORD. NO. 517 5-17-76

*

This is 5.91 acres; accepted 4/19/65; Minute Book No. 7; page 504;

J. O., City Clerk

ARTICLE 5. PLANNED BUSINESS DISTRICT (B-1)

16-501. CASE 6-74. THE FOLLOWING DESCRIBED TRACT OF LAND:

All of the Southwest fractional Quarter (being Government Lot No. 2) of Section 26, Township 13, Range 25, in Johnson County, Kansas, except that part taken for highway purposes, consisting of approximately 64.292 acres, more or less, and more commonly known as the Northwest corner of Kansas Highway No. 150 and State Line Road,

is hereby designated as being zoned Planned Business Zoning (B-1).

The owner or its successors agree to participate in any legally constituted storm drainage benefit district which is necessitated by the development of the watershed area which includes the above described property.

ORD. NO. 484 4-7-75

16-502. The tract of land described as:

Part of the Southwest 1/4, Section 34, Township 12 South, Range 25 East, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Southwest corner of the Southwest 1/4, Section 34, Township 12 South, Range 25 East, Johnson County, Kansas; thence East along the South line of the said Southwest 1/4, 1108.1 feet to a point; thence North along a line parallel to the West line of the East 1/2 of the Southwest 1/4, of said Southwest 1/4, 40 feet to the True Point of Beginning; thence West along a line parallel to and 40 feet North of the South line of the said Southwest 1/4, 240.20 feet to a point; thence North along a line parallel to the West line of the East 1/2 of the Southwest 1/4 of the said Southwest 1/4, 45.58 feet to a point; thence East along a line parallel to and 85.58 feet North of the South line of the said Southwest 1/4, 124.12 feet to a point; thence North along a line parallel to the West line of the East 1/2, of the Southwest 1/4, of the said Southwest 1/4, 128.92 feet to a point; thence East along a line parallel to and 214.50 feet North of the South line of the said Southwest 1/4, 116.08 feet to a point; thence South along a line parallel to the West line of the East 1/2 of the Southwest 1/4 of the said Southwest 1/4, 174.50 feet to the True Point of Beginning and containing 0.5949 acres more or less

is hereby granted a special use permit for the use and operation of a restaurant facility. The Governing Body of the City of Leawood hereby limits the use of the said tract as follows:

1. The restaurant facility to be operated on the above described tract shall not involve any type of drive-in or window service;
2. The requirement that the parking area for said restaurant facility shall set back not less than 10 feet from the right-of-way of 95th Street is hereby waived.

ORD. NO. 521 9-20-76

ARTICLE 5. PLANNED BUSINESS DISTRICT (B-1)

16-503. ZONING CLASSIFICATION. Case #9-76. The following described tract of land

A tract of land in Tract "H", Leawood South, Second Plat, a subdivision in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southeast corner of said Tract "H"; thence S 87° 59' 16" W, along the South line of said Tract "H", 462.67 feet; thence N 2° 00' 44" W, 46.50 feet; thence N 87° 59' 16" E, 56.17 feet, thence N 2° 00' 44" W, 156.16 feet; thence N 39° 00' 44" W, 51.66 feet; thence N 50° 59' 16" E, 70.00 feet; thence N 39° 00' 44" W, 115.00 feet; thence S 50° 59' 16" W, 40.00 feet, thence N 39° 00' 44" W, 41.40 feet; thence N 35° 29' 16" E, 99.40 feet; thence S 54° 30' 44" E, 58.00 feet; thence N 35° 29' 16" E, 83.02 feet; thence S 35° 18' 13" E, 68.02 feet; thence N 54° 46' 42" E, 180.00 feet; thence S 35° 13' 18" E 38.00 feet; thence N 54° 46' 42" E, 115.00 feet; thence N 35° 13' 18" W, 27.00 feet; thence N 54° 46' 42" E, 69.66 feet to a point on the East line of Tract "H"; thence S 2° 13' 18" E, along the East line of said Tract "H", 629.92 feet to the point of beginning, containing 217,799.946 square feet or 5.000 acres more or less and more commonly known by the street address of Northwest corner Blue Ridge Extension and State Line Road

is hereby designated as being zoned as Planned Business District B-1.

ORD. NO. 528 11-1-76

16-504 Replaced by 16-1101

ORD. NO. 609 10-16-78

ARTICLE 6. LIMITED OFFICE DISTRICT (B-4)

16-601. THE TRACT OF LAND DESCRIBED AS:

All of Lots K-10, L-11 and M-12, except that part thereof in State Line Road, all in Cresthill Acres, a subdivision of land in the City of Leawood, Johnson County, Kansas,

is hereby zoned for a Limited Office District zoning classification as established by ordinance and which said tract is so zoned contingent upon approval by Kansas City, Missouri, of the plans for a building to be located on the following described tract located in Kansas City, Missouri, to wit:

All of Lot 10, and all of Lots 11 and 12, except the east 102.0' thereof, and all of Lot 39, all in Cresthill Acres, a subdivision of land in Kansas City, Jackson County, Missouri,

and the issuance of a building permit for said building by Kansas City, Missouri.

ORD. NO. 398S 4-19-71

16-602. THE TRACT OF LAND DESCRIBED AS:

All of the North 175 feet of Lot 4, NEL-ARO, a subdivision of land in Johnson County, Kansas, that lies East of Brymar Addition and West of the west line of State Line Road, a plat of ground approximately 175 x 500 feet or 87,500 square feet,

is hereby zoned as classification Limited Office District B-4, Subclassification A.

Pursuant to Article 15, Section 207 of the Model Zoning Code and Subdivision Regulations, 1973 Edition, the Governing Body of the City of Leawood hereby limits the use of the above tract as follows:

1. To use as a Savings and Loan facility or other banking or financial institution.
2. The west 120 feet of said tract is limited to use for "open space" as defined by Model Zoning Code and Subdivision Regulations, City of Leawood, Kansas, 1973 Edition.

ORD. NO. 445 11-19-73

16-603. THE FOLLOWING DESCRIBED TRACT OF LAND:

Part of tne NE 1/4 Section 16, Twsp 13, Range 25, more commonly described as: All that part of the W 1/2 of NE 1/4 of Section 16, Twsp 13, Range 25, now in the City of Leawood, Johnson County, Kansas (Huntington Farms),

is hereby designated as being zoned Limited Office District.(Plan Comm. Case 14-76) (full legal given)

ORD. NO. 544 6-6-77

16-604. THE FOLLOWING DESCRIBED TRACT OF LAND:

The northwest quarter of the northwest quarter of the northeast quarter of Section 16, Township 13 South, Range 25 East, located in the City of Leawood, Johnson County, Kansas, containing 10 acres more or less, more commonly known as 4601 West 111th Street, now designated as "College Boulevard",

is hereby designated as being zoned Limited Office District B-4, subclassification 2.

ORD. NO. 480 1-20-75

16-605. THE FOLLOWING DESCRIBED TRACT OF LAND:

The west one-half of the Southwest Quarter of the Southeast Quarter of Section 27, Township 13, Range 25, Johnson County, Kansas, containing twenty (20) acres more or less, more commonly known as 3000 West 135th St.,

is hereby designated as being zoned Limited Office District B-4, subclassification 3. (Plan Comm. Case 8-73)

ORD. NO. 482 2-3-75

16-606. CASE #2-75. THE FOLLOWING DESCRIBED TRACT OF LAND: All of Lot 4 except the North 175 feet and that part platted Brymar Addition and all of Lot 5, except that part platted Brymar Addition and all of Lot 6 except that part platted Brymar Addition and except those parts of all lots in the road of Nel-Aro, a subdivision of Leawood, approximately 4.8 acres, more commonly known as approximately 80th and State Line Road,
is hereby designated as being zoned Limited Office District (B-4).
ORD. NO. 488 6-2-75

16-607. The owner or its successors agree to participate in any legally constituted storm drainage benefit district which is necessitated by the development of the watershed area which includes the above described property. ORD. NO. 488 6-2-75

16-608. ZONING CLASSIFICATION. CASE #7-76. The following described tracts of land

All that part of the NE 1/4 of the NW 1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeast corner of the NW 1/4 of said Section 16; thence S 1° 28' 14" E, along the East line of the NW 1/4 of said Section 16, a distance of 475.87 feet; thence S 88° 31' 46" W, a distance of 55.98 feet, to a point of curvature; thence Westerly, along a curve to the left, having a radius of 600 feet and a central angle of 7° 06' 05", a distance of 74.36 feet, to a point of compound curvature; thence Westerly and Southwesterly, along a curve to the left, having a radius of 250 feet, a central angle of 41° 02' 11" and whose initial tangent bearing is S 81° 25' 41" W, a distance of 179.06 feet; thence Northwesterly, along a curve to the left, having a radius of 775 feet, a central angle of 10° 01' 19" and whose initial tangent bearing is N 56° 33' 52" W, a distance of 135.56 feet; thence N 22° 43' E, a distance of 150.01 feet; thence N 76° 13' W, a distance of 295.02 feet; thence S 87° 37' 49" W, a distance of 328.04 feet; thence S 62° W, a distance of 398.63 feet; thence N 76° 05' W, a distance of 15.68 feet, to a point on the West line of the NE 1/4 of the NW 1/4 of said Section 16; thence N 1° 34' 51" W, along the West line of the NE 1/4 of the NW 1/4 of said Section 16, a distance of 438 feet, to the Northwest corner thereof; thence N 87° 37' 49" E, along the North line of the NW 1/4 of said Section 16, a distance of 1326.76 feet, to the point of beginning, and

All that part of the NW 1/4 of the NW 1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeast corner of the NW 1/4 of the NW 1/4 of said Section 16, said point also being 1326.76 feet West of the Northeast corner of the NW 1/4 of said Section 16, as measured along said North line; thence S 1° 34' 51" E,

along the East line of the NW 1/4 of the NW 1/4 of said Section 16, a distance of 438 feet; thence N 76° 05' W, a distance of 420.88 feet; thence N 82° W, a distance of 260.41 feet; thence S 84° 25' 47" W, a distance of 293.28 feet; thence S 42° 44' 44" W, a distance of 530.14 feet, to a point on the West line of the NW 1/4 of said Section 16 and 663.58 feet South of the Northwest corner thereof, as measured along said West line; thence N 1° 41' 29" W, along the West line of the NW 1/4 of said Section 16, a distance of 663.58 feet, to the Northwest corner thereof; thence N 87° 37' 49" E, along the North line of the NW 1/4 of the NW 1/4 of said Section 16, a distance of 1326.76 feet, to the point of beginning,

is hereby designated as being zoned Limited Office District, B-4.

The owner agrees to make certain improvements on Roe Avenue adjacent to the property described above, pursuant to certain plans and specifications which are contained in zoning file 7-76.

IMPORTANT - PLEASE NOTE

A PORTION OF THESE TRACTS WAS ZONED PLANNED RESTRICTED BUSINESS (CP-1) BY ORDINANCE NO. 611, PASSED BY THE GOVERNING BODY 10-16-78. SEE SECTION 16-1201.

ORD. NO. 532 12-20-76

ORDINANCE NO. 793

AN ORDINANCE RELATING TO ZONING OF CERTAIN PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

16-801. Section 1. The following described real property is hereby designated as being zoned MP-1, Planned Industrial District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, this property having been previously zoned A, Agricultural:

> All that part of Fractional Section 35, Township 13, Range 25, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the East line of said Section 35 lying 193 feet North of the Southeast corner of said Section 35; thence South 87° 52' 01" West, a distance of 400 feet; thence North 2° 19' 56" West, a distance of 670 feet; thence North 87° 52' 01" East, a distance of 400 feet, to a point on said East line of Section 35; thence South 2° 19' 56" East, along said East line, a distance of 670 feet, to the Point of Beginning, containing 6.15 acres, more or less.
>
> (143rd & Kenneth Rd.)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/5/83 Second Reading: 12/19/83

Passed by the Governing Body this 19th day of December, 1983.

Approved by the Mayor this 20th day of December, 1983.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

ORDINANCE NO. 834

AN ORDINANCE RELATING TO ZONING OF CERTAIN PROPERTY IN THE CITY OF LEAWOOD, KANSAS, AND REPEAL OF SECTION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTION. Section 1. Section 16-1003 of Revised Ordinances, as originally adopted by Ordinance No. 686, is hereby repealed and the following enacted in lieu thereof:

16-1003. Section 2. The following described real property is hereby designated as being zoned RP-4, Planned Cluster Residential District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, 9 acres having been previously zoned RP-4, and 10 acres having been previously zoned RP-1:

> That part of the North 1/2 of the NW 1/4 of Section 28, Township 13, Range 25 in Leawood, Kansas, commencing at the NE corner of the NW 1/4 of said Section, said point being the true point of beginning of subject tract; thence due South a distance of approximately 1323'; thence due West a distance of approximately 700'; thence N 90° W, a distance of 420' thence 170° NE approximately 210' thence 150° NW approximately 740' thence due East a distance of 730'; thence due South a distance of approximately 1323' to the point of beginning, an area of approximately 19 acres, 10 acres of which were previously zoned RP-1.
>
> (south of 127th Street between Roe and Nall; Patrician Woods)

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/15/84 Second Reading: 11/5/84

Passed by the Governing Body this 5th day of November, 1984.

Approved by the Mayor this 6th day of November, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ORDINANCE NO. 831

AN ORDINANCE RELATING TO ZONING OF CERTAIN PROPERTY IN THE CITY OF LEAWOOD, KANSAS, AND REPEAL OF SECTION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTION. Section 1. Section 16-1004 of Revised Ordinances, as originally adopted by Ordinance No. 704, is hereby repealed and the following enacted in lieu thereof:

16-1004. Section 2. The following described real property is hereby designated as being zoned RP-4, Planned Cluster Residential District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, this property having been previously zoned RP-4:

> The North one-half of the Southwest Quarter of Section 21, lying south of Tomahawk Creek, also that part of the Southeast Quarter of the Northwest Quarter, lying south of Tomahawk Creek, and also the Southeast Quarter of the Southwest Quarter, except that part lying easterly of Roe Boulevard as now established, and also the Southwest Quarter of the Southwest Quarter, all in Township 13, Range 25, now in the City of Leawood, in Johnson County, Kansas, except the following tract:
>
> The SW Quarter of the SW Quarter of Section 21, Township 13, Range 25 in Leawood, Kansas, commencing at the SE corner of said Section thence approximately 700' due West; thence 90° North approximately 830'; thence W 122.5° N approximately 670'; thence S approximately 90° W a distance of approximately 700'; thence S 169° E approximately 530'; thence due East approximately 780' to the point of beginning, an area of approximately 19 acres.
>
> (approx. 111 acres; North of 127th St. between Roe Avenue and Nall; Patrician Woods)

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/15/84 Second Reading: 11/5/84

Passed by the Governing Body this 5th day of November, 1984.

Approved by the Mayor this 6th day of November, 1984.

(S E A L)

Kent E. Crippen Mayor

CHAPTER XVI. ZONING ORDINANCES

ARTICLE 10. PLANNED CLUSTER RESIDENTIAL (RP-4)

16-1001. REPLACED BY SECTION 16-1601.

ORD. NO. 774 3-14-83

16-1002. A tract of land located at 4101 College Boulevard, Leawood Village (legal description given; Section 16, Township 13, Range 25) is hereby designated as being zoned Planned Cluster Residential (RP-4).

This property was previously zoned Agricultural.

ORD. NO. 612 10-16-78

repealed by 834

16-1003. A tract of land between Nall and Roe Avenue south of 127th Street in Patrician Woods (legal description given; Section 28, Township 13, Range 25) is hereby designated as being zoned Planned Cluster Residential District (RP-4).

This property was previously zoned Agricultural.

ORD. NO. 686 1-5-81

repealed by 831

16-1004. A tract of land approximately 130 acres north of 127th Street between Roe Avenue and Nall in Patrician Woods (legal description given; Section 21, Township 13, Range 25) is hereby designated as being zoned Planned Cluster Residential (RP-4).

This property was previously zoned Agricultural.

ORD. NO. 704 7-6-81

(This ordinance passed subject to Resolution No. 564. Copy attached to original ordinance and to Council minutes of 7-6-81.)

16-1005. A tract of land approximately 37 acres, northwest corner of 123rd Street and State Line Road, commonly known as the Drive-in-Theater site (legal description given; Section 22, Township 25, Range 13, and Frac. Section 23, Township 25, Range 13) is hereby designated as being zoned Planned Cluster Residential (RP-4).

This property was previously recognized as Agricultural zoning.

ORD. NO. 764 1-3-83

16-1006. A tract of land, Leawood South, Second Plat, Tract B, is hereby designated as being zoned Planned Cluster Residential (RP-4). This property was previously zoned Agricultural.

ORD. NO. 773 3-14-83

ORDINANCE NO. 816

AN ORDINANCE RELATING TO ZONING OF CERTAIN PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

16-1102. Section 1. The following described real property is hereby designated as being zoned CP-2, Planned General Business District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, this property having been previously zoned A, Agricultural:

> Starting at NE corner, NW fractional 1/4, Section 35-13-25, then generally southwesterly along the proposed centerline of Kenneth Parkway 2170 feet; then north along the west property line and centerline of Kenneth Road 1870 feet; then east along the centerline of 135th 867 feet; then south 309.26 feet; then east 228.13 feet; then north 305.17 feet; then east 29.67 feet to point of beginning, containing 20.33 acres, more or less.
>
> (Multi-use Development at 135th and State Line Road)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 6/18/84 Second Reading: 7/2/84

Passed by the Governing Body this 2nd day of July, 1984.

Approved by the Mayor this 2nd day of July, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ARTICLE 11. PLANNED GENERAL BUSINESS (CP-2)

16-1101. A tract of land commonly known as Leawood Office Park, located at 89th and State Line Road (legal description given; Frac. Section 35, Township 12, Range 25 East) is hereby designated as being zoned Planned General Business (CP-2)

This property was previously zoned Planned Business (B-1).

ORD. NO. 609 10-16-78

← Add 16-1102

ORDINANCE NO. 802 eff. 10/24/84

AN ORDINANCE RELATING TO ZONING OF CERTAIN PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

16-1204. Section 1. The following described real property is hereby designated as being zoned CP-1, Planned Restricted Business District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, with restrictions as set forth herein, this property having been previously zoned R-1, Single Family Residential District:

Lot 566, Leawood Estates, a subdivision in the City of Leawood, Johnson County, Kansas.

(northwest corner, 103rd & State Line Rd.)

Said property shall be rezoned to CP-1, provided the use of the property is limited to the uses of financial institutions and general administrative or professional offices. Any proposed use of this property which is other than financial institution or administrative or professional office shall require submission of a new zoning application under the requirements of Section 15-3102 of the Leawood Zoning Regulations.

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/19/83 Second Reading: 2/20/84

Passed by the Governing Body this 20th day of February, 1984.

Approved by the Mayor this 20th day of February, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

ARTICLE 12. PLANNED RESTRICTED BUSINESS DISTRICT (CP-1)

16-1201. A tract of land located at the Southeast corner of College Boulevard and Nall Avenue (legal description given; Section 16, Township 13, Range 25) is hereby designated as being zoned Planned Restricted Business District (CP-1).

The portion of property covered was previously zoned (B-4) as part of property covered by Ordinance No. 532, passed December 20, 1976. The remainder of the property retains its previous zoning, only the portion described as rezoned (CP-1) (See Section 16-608).

ORD. NO. 611 10/16/78

16-1202. REPEALED BY ORDINANCE NO. 673 5-5-80

16-1203 REPEALED BY ORDINANCE NO. 673 5-5-80

Add 16-1204

ORDINANCE NO. 790

AN ORDINANCE RELATING TO ZONING OF CERTAIN PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

16-1302. Section 1. The following described real property is hereby designated as being zoned RP-2, Planned Two-Family Residential District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, this property having been previously zoned A, Agricultural:

All that part of the NW1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the NW1/4 of said Section 16; thence S 1° 41' 29" E, along the West line of the NW1/4 of said Section 16, a distance of 895.98 feet, to a point on the Westerly extension of the South right-of-way line of 112th Street, as now established, said point also being the true point of beginning of subject tract; thence N 88° 18' 31" E, along the Southerly right-of-way line and its extension of said 112th Street, a distance of 55 feet, to a point of curvature; thence Easterly and Southeasterly, along the Southerly right-of-way line of said 112th Street, said line being on a curve to the right, having a radius of 1200 feet and a central angle of 8° 51', a distance of 185.36 feet, to a point of tangency; thence S 82° 50' 29" E, along the Southerly right-of-way line of said 112th Street, a distance of 172 feet, to a point of curvature; thence Southeasterly, Easterly and Northeasterly, along the Southerly right-of-way line of said 112th Street, said line being on a curve to the left, having a radius of 350 feet and a central angle of 26° 06' 06", a distance of 159.45 feet, to a point 30 feet Southwesterly of of the Northwesterly corner of Lot 19, Block 5, LEAWOOD COUNTRY MANOR, THIRD PLAT, a subdivision of land now in the City of Leawood, Johnson County, Kansas, as measured along the Southerly right-of-way line of said 112th Street; thence S 36° 42' 30" E, a distance of 134.68 feet, to the Southwesterly corner of said Lot 19, said point also being on the Westerly line of Lot 13, Block 5, LEAWOOD COUNTRY MANOR, SECOND PLAT, a subdivision of land now in the City of Leawood, Johnson County, Kansas; thence S 4° 20' W, along the Westerly line of said Block 5, a distance of 98 feet; thence S 3° 23' E, along the Westerly line of said Block 5, a distance of 254.34 feet, to the Northwesterly corner of Lot 16 of said Block 5; thence S 82° 52' 12" W, a distance of 69.91 feet; thence S 6° 40' 16" E, a distance of 161.84 feet, to a point on the Westerly extension of the South line of Lot 17 of said Block 5; thence S 78° 07' E, along the Westerly extension of the South line of said Lot 17, a distance of 67.82 feet, to the Southwesterly corner thereof; thence S 8° 02' W, along the

Westerly line of Lot 18 of said Block 5, a distance of 113.38 feet, to the Southwesterly corner thereof; thence S 27° 16' 08" W, a distance of 137.61 feet; thence Northwesterly, along a curve to the right, having a radius of 400 feet, a central angle of 14° 38' 33", and whose initial tangent bearing is N 62° 43' 52" W, a distance of 102.22 feet, to a point of tangency; thence N 48° 05' 19" W, a distance of 300 feet, to a point of curvature; thence Northwesterly and Westerly, along a curve to the left, having a radius of 300 feet and a central angle of 43° 36' 10", a distance of 228.30 feet, to a point of tangency; thence S 88° 18' 31" W, a distance of 60 feet, to a point on the West line of the NW1/4 of said Section 16; thence N 1° 41' 29" W, along the West line of the NW1/4 of said Section 16, a distance of 557.11 feet, to the true point of beginning of subject tract.

(between Roe Ave. & Nall Ave. south of the existing development at Leawood Country Manor; 9.670 acres, more or less)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 11/21/83 Second Reading: 12/5/83

Passed by the Governing Body this 5th day of December, 1983.

Approved by the Mayor this 5th day of December, 1983.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ARTICLE 13. PLANNED TWO FAMILY RESIDENTIAL DISTRICT (RP-2)

16-1301. A tract of land located in Leawood Country Manor, 2nd Plat (legal description given; Section 16, Township 13, Range 25) is hereby designated as being zoned Planned Two Family Residential District (RP-2). ORD. NO. 610 10-16-78

← add 16-1302

ORDINANCE NO. 833

AN ORDINANCE RELATING TO ZONING OF CERTAIN PROPERTY IN THE CITY OF LEAWOOD, KANSAS, AND REPEAL OF SECTION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTION. Section 1. Section 16-1401 of Revised Ordinances, as originally adopted by Ordinance No. 685, is hereby repealed and the following enacted in lieu thereof:

16-1401. Section 2. The following described real property is hereby designated as being zoned RP-1, Planned Single Family Residential District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, this property having been previously zoned RP-1:

> That part of the North 1/2 of the Northwest 1/4 of Section 28, Township 13, Range 25, approximately 80 acres, now in the City of Leawood, Johnson County, Kansas, except that part described as follows:
>
> That part of the North 1/2 of the NW 1/4 of Section 28, Township 13, Range 25 in Leawood, Kansas, commencing at the NE corner of the NW 1/4 of said Section, said point being the true point of beginning of subject tract; thence due South a distance of approximately 1323'; thence due West a distance of approximately 700'; thence N 90° W, a distance of 420'; thence 170° NE approximately 210'; thence 150° NW approximately 740'; thence due East a distance of 730'; thence due South a distance of approximately 1323' to the point of beginning, an area of approximately 19 acres zoned RP-4.
>
> (approximately 61 acres between Nall and Roe Avenue south of 127th Street; Patrician Woods)

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/15/84 Second Reading: 11/5/84

Passed by the Governing Body this 5th day of November, 1984.

Approved by the Mayor this 6th day of November, 1984.

(S E A L)

Kent E. Crippin Mayor

ARTICLE 14. PLANNED SINGLE FAMILY RESIDENTIAL DISTRICT (RP-1)

Repealed by 833

16-1401. A tract of land between Nall and Roe Avenue south of 127th Street in Patrician Woods (legal description given; Section 28, Township 13, Range 25) is hereby designated as being zoned Planned Single Family Residential District (RP-1).

This property was previously zoned Agricultural.

ORD. NO. 685 1-5-81

16-1402. A 28-acre tract at the southwest corner of 123rd Street and State Line Road (Foxborough; legal description given; Section 23, Township 13, Range 25) is hereby designated as being zoned Planned Single Family Residential District (RP-1).

This property was previously zoned Agricultural.

ORD. NO. 745 6-7-82

16-1403. A tract of land approximately 119th Street, south one-half mile, from Roe Ave. to Mission Rd., in Berkshire subdivision (legal description given; Section 21, Township 13, Range 25) is hereby designated as being zoned Planned Single Family Residential District (RP-1).

This property was previously zoned R-1, Single Family Residential District.

ORD. NO. 772 3-14-83

ARTICLE 15. PLANNED APARTMENT HOUSE DISTRICT (RP-5)

16-1501. A tract of land approximately 119th St., south one-half mile, from Roe Ave. to Mission Rd., in Berkshire subdivision (legal description given; Section 21, Township 13, Range 25) is hereby designated as being zoned Planned Apartment House District (RP-5).

This property was previously zoned Single Family Residential District (R-1). ORD. NO. 771 3-14-83

ARTICLE 16. AGRICULTURAL DISTRICT (A)

16-1601. A tract of land, Leawood South Townhouses, Tract B, (legal description given; Section 26, Township 13, Range 25) is hereby designated as being zoned Agricultural District (A).

This property was previously zoned Planned Cluster Residential District (RP-4). ORD. NO. 774 3-14-83

16-1602. A tract of land, 143rd and Mission Rd., (legal description given; Section 4, Township 14, Range 25) is hereby designated as being zoned Agricultural District (A).

This property was previously zoned Single Family Residential District (R-1). ORD. NO. 775 3-14-83

16-1603. A tract of land, 114th St. east of Roe Ave. (legal description given; Section 16, Township 13, Range 25) is hereby designated as being zoned Agricultural District (A).

This property was previously zoned Planned Office Building District (CP-0). ORD. NO. 776 3-14-83

ORDINANCE NO. 791

New Art. 17

AN ORDINANCE RELATING TO ZONING OF CERTAIN PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

16-1701. Section 1. The following described real property is hereby designated as being zoned RP-3, Planned Garden Apartment District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, this property having been previously zoned A, Agricultural:

All that part of the NW1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the NW1/4 of said Section 16; thence S 1° 41' 29" E, along the West line of the NW1/4 of said Section 16, a distance of 1453.09 feet, to the true point of beginning of subject tract; thence continuing S 1° 41' 29" E, along the West line of the NW1/4 of said Section 16, a distance of 1200 feet, to the Southwest corner thereof; thence N 87° 46' E, along the South line of the NW1/4 of said Section 16, a distance of 540 feet; thence N 2° 14' W, along a line perpendicular to the South line of the NW1/4 of said Section 16, a distance of 71/38 feet; thence N 17° 57' 50" E, a distance of 403.43 feet; thence N 1° 41' 29" W, a distance of 352.73 feet; thence Northwesterly, along a curve to the right, having a radius of 400 feet, a central angle of 31° 20' 02", and whose initial tangent bearing is N 79° 25' 21" W, a distance of 218.75 feet, to a point of tangency; thence N 48° 05' 19" W, a distance of 300 feet, to a point of curvature; thence Northwesterly and Westerly, along a curve to the left, having a radius of 300 feet, and a central angle of 43° 36' 10", a distance of 228.30 feet, to a point of tangency; thence S 88° 18' 31" W, a distance of 60 feet, to the true point of beginning of subject tract.

(between Roe Ave. & Nall Ave. south of the existing development at Leawood Country Manor; 15.142 acres, more or less)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 11/21/83 Second Reading: 12/5/83

Passed by the Governing Body this 5th day of December, 1983.

Approved by the Mayor this 5th day of December, 1983.

(S E A L)

Kent E. Crippin Mayor

ORDINANCE NO. 818

AN ORDINANCE RELATING TO ZONING OF CERTAIN PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

16-1702. Section 1. The following described real property is hereby designated as being zoned RP-3, Planned Garden Apartment District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, this property having been previously zoned A, Agricultural:

Starting at the NE corner, NW fractional 1/4, Section 35-13-25; then south 1920 feet to point of beginning; then south 806 feet; then west 165 feet; then southwesterly 120 feet; then westerly 310 feet; then northerly 310 feet; then north 280 feet; then westerly 570 feet to centerline of Kenneth Parkway; then north along centerline of Kenneth Parkway 1270 feet; then southeasterly 1120 feet to point of beginning; containing 27.5 acres, more or less;

AND

Starting at the NW corner of the NE fractional 1/4, Section 35-13-25; then south 2726 feet to point of beginning; then west 165 feet; then southwesterly 120 feet; then westerly 310 feet; then northerly 310 feet; then north 280 feet; then westerly 570 feet to centerline of Kenneth Parkway; then south along centerline of Kenneth Parkway 870 feet; then easterly along the south property line 1104.7 feet; then north along the Kansas-Missouri state line 670 feet to point of beginning, containing 19 acres, more or less.

(Multi-use Development at 135th and State Line Road)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 6/18/84 Second Reading: 7/2/84

Passed by the Governing Body this 2nd day of July, 1984.

Approved by the Mayor this 2nd day of July, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ORDINANCE NO. 817

new art. 18

AN ORDINANCE RELATING TO ZONING OF CERTAIN PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

16-1801. Section 1. The following described real property is hereby designated as being zoned CP-O, Planned Office Building District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, this property having been previously zoned A, Agricultural:

Starting at NE corner NW fractional 1/4, Section 35-13-25, then south along the Kansas-Missouri state line 1920 feet; then northwesterly 1120 feet to the proposed centerline of Kenneth Parkway; then northeasterly along the proposed centerline of Kenneth Parkway 1590 feet to beginning, containing 16.57 acres, more or less.

(Multi-use Development at 135th and State Line Road)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 6/18/84 Second Reading: 7/2/84

Passed by the Governing Body this 2nd day of July, 1984.

Approved by the Mayor this 2nd day of July, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ORDINANCE NO. 826

AN ORDINANCE RELATING TO ZONING OF CERTAIN PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

16-1802. Section 1. The following described real property is hereby designated as being zoned CP-O, Planned Office Building District, in accordance with the terms of the Zoning Ordinance as adopted April 17, 1978, this property having been previously zoned A, Agricultural:

> All that part of the NW1/4 of the NW1/4 of the NE1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northwest corner of the NE1/4 of said Section 16; thence Easterly, along the North line of the NE1/4 of said Section 16, a distance of 335 feet; thence Southerly, along a line parallel to the West line of the NE1/4 of said Section 16, a distance of 345 feet; thence Westerly, along a line parallel to the North line of the NE1/4 of said Section 16, a distance of 335 feet, to a point on the West line thereof; thence Northerly, along the West line of the NE1/4 of said Section 16, a distance of 345 feet, to the point of beginning, subject to that part thereof dedicated for street purposes.
>
> (southeast corner, College Blvd. and Roe Ave.; Leawood Executive Centre; 2.5 Acres, more or less)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 9/17/84 Second Reading: 10/15/84

Passed by the Governing Body this 15th day of October, 1984.

Approved by the Mayor this 15th day of October, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

XVII. SUBDIVISION
REGULATIONS

CHAPTER XVII. SUBDIVISION REGULATIONS

ARTICLE 1. ADOPTION

17-101. SUBDIVISION REGULATIONS, INCORPORATION BY REFERENCE. There is hereby incorporated by reference pursuant to K.S.A. 1977 Supp. 12-3009, K.S.A. 1977 Supp. 12-3010, and K.S.A. 1977 Supp. 12-3301, for the purpose of providing subdivision regulations within the City of Leawood, Kansas all of the regulations contained in that document hereafter known and referred to as "Subdivision Regulations, City of Leawood, Final Revised Edition, January 16, 1978".

Not less than three (3) copies of such Subdivision Regulations, City of Leawood, Final Revised Edition, January 16, 1978, marked or stamped "Official Copy" as incorporated by the ordinances of the City of Leawood, Kansas, shall be filed with the City Clerk, to be open to inspection and available to the public during regular office hours, except that such official copies may not be removed from City Hall. City officials requiring the use of such Subdivision Regulations shall be supplied at the cost of the City such number of official copies of the Subdivision Regulations as may be deemed expedient by the Governing Body. ORD. NO. 571 1-16-78

THE CHANGES INDICATED BELOW ARE NECESSARY TO COMPLY WITH CODIFICATION '84.

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LEAWOOD SUBDIVISION REGULATIONS

ARTICLE I. GENERAL PROVISIONS

Sec. 17-101 TITLE. This Ordinance shall be known and may be cited as the Subdivision Regulations of the City of Leawood, Kansas.

Sec. 17-102 PURPOSE. The purpose of this Ordinance is to guide and regulate the subdivision of land within the City of Leawood, Kansas, in order to preserve and protect the public health, safety and welfare. The regulations contained herein are designed to ensure the provision of adequately planned street systems, to avoid extreme concentration of population and the overcrowding of land, to provide for safe and sanitary water and sewer systems, to facilitate the provision of well-planned residential neighborhoods with appropriate schools, parks and playgrounds; to provide an orderly system for the design, layout and use of land; to insure the proper legal description and monumentation of subdivided land; to facilitate the resubdivision of large land parcels, to secure safety from fire, panic, flood damage and other damages.

The Planning Commission and Council shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that the best interests of the public are not being served, and the site, as presented, is not suitable for platting and development for those purposes proposed.

Land subject to flooding and land deemed to be topographically unsuited shall not be platted for residential purposes, nor for such other uses as shall cause undue damage to the natural environment, increase danger to health, life or property, or aggravate erosion or cause flood hazards. Such excessively steep or flood prone land within the plat shall be set aside for those uses that will not be endangered by periodic flooding and will not produce unsatisfactory living conditions.

This Ordinance is designed, intended and shall be administered in a manner to:

A. Implement the Leawood Comprehensive Development Plan; and

B. Harmoniously relate the development of different tracts of land to the existing community and facilitate the future development of adjoining tracts; and

C. Promote neighborhood conservation and prevent the development of slums and blight; and

D. Provide the best possible design of land parcels; and

E. Enhance vehicular and pedestrian circulation and transportation; and

F. Permit improvement costs which primarily benefit the tract of land being developed to be borne by the owners or developers of the subject tract, and permit improvements, the cost of which benefit primarily the whole community, to be borne by the community; and

G. Establish adequate and accurate records of land subdivision.

Sec. 17-103 AUTHORITY.

The following regulations for the subdividing of land within the limits of the jurisdiction of the Leawood Planning Commission are adopted under the authority granted by the General Statutes of Kansas. See K.S.A. 12.705

Sec. 17-104 JURISDICTION. This Ordinance shall apply to the following forms of land subdivision:

A. The division of land into two or more tracts, lots, or parcels, any part of which when subdivided shall contain less than ten (10) acres in area; or

B. The subdivision of land, previously subdivided or platted into tracts, lots, or parcels of less than ten (10) acres in area; or

C. The dedication or the vacating or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies; or

D. The dedication or the vacating of any street through any tract of land regardless of the area involved; or

E. The redividing or splitting of previously platted lots, regardless of size, commonly referred to as "Lot Splits."

Sec. 17-105 DEFINITIONS. For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense include the future; the singular number shall include the plural and the plural number include the singular; the word "building" includes the word "structure" and the word "shall" is mandatory.

Alley. A minor way dedicated for public use, and which is used primarily for vehicular access to the sides or rear of lots.

Block. A piece or parcel of land entirely surrounded by public highways, streets (other than alleys); railway rights-of-way, parks or a combination thereof.

Buffer Strip. Areas of land, vacant or landscaped with screen plantings, or water used to separate incompatible land uses.

Building Line. A line established generally parallel to the street line, between which and the street line no part of a building shall project, except as otherwise provided in this Article.

City Architect. The City Architect of Leawood, Kansas.

City Council. The City Council of Leawood, Kansas.

City Engineer. The City Engineer of Leawood, Kansas.

Comprehensive Development Plan. The official, adopted Comprehensive Development Plan for the City of Leawood, and amendments relating thereto.

Cul de sac. A street having one end open to traffic and being permanently terminated vehicular turn around.

Easement. A grant by the property owner to the public, a corporation or persons, of the access to and use of a portion of land for public purposes.

Highway. A thoroughfare controlled by the Kansas Department of Transportation.

Improvements. Street pavement, curbs, sanitary and storm sewers, permanent monuments, water mains, street signs, street lights, medians and similar items to be installed in the subdivision.

Landscaping. The natural or improved ground surface, containing but not limited to grass, shrubs, flowers, trees, hedges, vines, earth berms, etc.

Lot. A parcel of land occupied or intended for occupancy by one main building or group of buildings together with accessory structures, including open spaces and parking spaces and having its principal frontage upon a street.

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection and which shall be deemed to front on that street on which the lot has its least dimension.

Lot, Depth of. The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage or Through. A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

Lot, Interior. A lot whose side lines do not abut upon any street.

Lot Lines. The lines bounding a lot as defined herein.

Lot of Record. A lot which is part of a platted subdivision, the map of which has been recorded in the office of the Register of Deeds of Johnson County, Kansas; or a parcel of land, the deed to which was recorded in the Office of the Register of Deeds prior

to the adoption of this Ordinance.

Lot, Width. *The horizontal distance between side lot lines, measured at the* front building line.

Major Street Plan. The official, adopted Major Street Plan for the City of Leawood, Kansas and amendments relating thereto.

Municipality. The City of Leawood, Kansas.

Open Space. That space remaining on a lot which is not occupied by buildings, streets, parking areas or driveways. Open space may be either an area of land or water, landscaped, planted with grass or designated for recreation use for occupants of the premises, but shall not include an enclosed mall or atrium.

Pedestrian Way. A right-of-way, dedicated to public use, to facilitate pedestrian access to adjacent streets and properties.

Plan. For the purposes of this Ordinance, the term "plan" shall refer to any sketch, preliminary or final drawing, showing the intended scheme of development for a parcel of land.

Planning Commission. The Plan Commission of the City of Leawood, Kansas.

Plat, Preliminary. A map of a land subdivision prepared in accordance with Article II of this Ordinance.

Plat, Final. A map of a land subdivision prepared in accordance with Article II of this Ordinance in a form suitable for filing of record with necessary affidavits, dedications and acceptances and with complete bearings and dimensions of all lines defining lots and blocks, streets, public areas, dedicated easements and other dimensions.

Right-of-way. A strip of land used for or intended to be used for street, utility, pedestrian or other public purpose, the fee of which is vested in the public or a governmental body.

Rule Exception. The allowing of a subdivision to deviate from one or more specific standards, or requirements of these regulations.

Sidewalk. A permanently surfaced area for the exclusive use of pedestrians located and designed in accordance with the Street Construction Standards of the City of Leawood.

Street. A right-of-way which affords the principal means of access to property abutting thereon.

Street, Arterial. A major street designed to move traffic through the area as designated on the Major Street Plan for the City of Leawood, Kansas.

Street Line. The dividing line between a street right-of-way and the abutting property.

Street, Local. A facility that serves the access needs of abutting residential, commercial, business, or industrial areas.

Street, Collector. A street, as designated on the Major Street Plan, which collects traffic from local streets and serves as the most direct route to a major facility.

Street, Major. Arterial, expressway and freeway facilities as designated on the Major Street Plan which serve the major traffic movements to, from, and through the City of Leawood.

Street, Frontage or Service. A local street, auxiliary to and located on the side of a major street, for service to abutting properties and adjacent areas and for control of access.

Street, Private. A right-of-way which affords principal access to property abutting thereon, which right-of-way is owned, controlled and maintained by persons other than the public.

Street, Public. A right-of-way which affords principal access to property abutting thereon, which right-of-way has been dedicated or deeded to the public for such use.

Street Construction Standards. The official adopted Street Construction Standards for the City of Leawood, Kansas and amendments thereto.

Subdivider. Any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

Subdivision. The division or re-division of land into two or more lots, tracts, or parcels,

having less than ten (10) acres in each, for the purpose of transfer of ownership or for development, or the dedication or vacating of a public or private right-of-way or easement.

Thoroughfare. A major street as designated on the Major Street Plan for the City of Leawood, Kansas.

Sec. 17-106 GENERAL PROCEDURES.

A. All final plats of subdivisions within the corporate limits of Leawood and as defined herein shall be submitted to the Planning Commission for its consideration and its recommendation shall then be submitted to the governing body for its official consideration and action. No plat or other subdivision of property and no dedication or vacation of a public street or establishment of a private street shall be filed with the Register of Deeds as provided by law until approval shall have been endorsed thereon by the Planning Commission and City Council.

B. Agenda. Each plat submitted for preliminary or final approval shall be placed on the agenda of the Plan Commission only after fulfilling the appropriate requirements of these Subdivisions Regulations. However, a plat not meeting all of the requirements may be submitted providing the subdivider presents, with the plat, a written request for specific exceptions and enumerates in detail the reasons therefor.

duplicated by Ord. 680, 5-902

C. Filing Fee. To partially cover the cost of administering the procedures set forth in this Ordinance, a fee in the following amount shall be paid to the City of Leawood at the time the preliminary plat is submitted to the Plan Commission: Ten Dollars ($10.00) per Lot for the first ten lots plus Two Dollars ($2.00) for each lot over ten, the minimum being One Hundred Dollars ($100.00) and no fee shall exceed Seven Hundred Fifty Dollars ($750.00). An additional fee in the amount of Three Dollars ($3.00) per Lot shall be paid with the submittal of the final plat.

D. Coordination of Zoning and Subdivision Review. It is the intent of this municipality that

subdivision review be carried out simultaneously with the review of development plans.

E. Deed restrictions shall be prepared for all residential subdivisions and submitted with the final plat for review and determination of compliance with City Policy and regulations.

F. Upon approval by the City Council of the final plat the City Clerk shall promptly record the same with the Johnson County Register of Deeds.

ARTICLE 2. PROCEDURES FOR PLAN OR PLAT PREPARATION AND APPROVAL

Sec. 17-201 THE PRELIMINARY PLAT.

A. General. The subdivider shall prepare a preliminary plat for submission to the Plan Commission. Ten (10) copies of the preliminary plat shall be submitted to the City not less than thirty (30) days prior to the meeting at which said plat is to be considered.

B. Contents of the Preliminary Plat. The preliminary plat shall be drawn at a scale of one hundred (100)feet to one (1) inch and shall contain or be accompanied by the following information:

1. The name and address of the owner of record, the subdivider and the person preparing the plat;

2. The proposed name of the subdivision;

3. The scale, north point, and date;

4. A key map showing the location of the proposed subdivision referenced to existing streets or proposed streets and to government section lines, and including the boundaries and number of acres of the drainage area of which the proposed subdivision is a part;

5. The location of existing buildings, water bodies, water courses, and the location of dedicated streets at the point where they adjoin and/or are immediately adjacent to the subdivision;

6. The land contours with vertical intervals not greater than five feet and having United States Geological Survey datum;

7. The length of the boundaries of the tract, measured to the nearest foot;

8. The general location, width and alignment of existing and proposed streets, sidewalks and any highways and alleys;

9. The general pattern and sizes of proposed lots and tracts;

10. The proposed use of land, whether for single family, multi-family, commercial, industrial, parks, schools, etc.;

11. All platted or existing streets, property lines and the names of platted subdivisions for a distance of not less than four hundred feet;

12. Approximate gradients of proposed streets within the plat;

13. A written statement relating how liquid wastes are to be handled, whether by sewers and an existing sewer district, a district yet to be formed, private treatment facility, etc.;

14. Description on the preliminary plat of any existing streets or roads which abut, touch upon or extend through the subdivision. The description shall include types and widths of existing surfaces; right-of-way widths; and width, load carrying capacity, and waterway adequacy of any bridges or culverts. The preliminary plat shall also include a statement as to how the surface of any such roads or streets will be improved as part of the subdivision development process in order to comply with the intent and purpose of these regulations;

15. The classification of every street within or adjacent to the subdivision in accordance with the intended use of the street based on the proposed design. This shall be done by placing the appropriate term, (arterial, collector, or local street in parenthesis directly on each street);

16. A traffic engineering report may be required where unusual traffic, parking, or access conditions will be encountered as a result of the proposed development;

17. Provide two prints of a map showing the ridgelines of any tributary areas and the routing of surface water, including existing storm water drainage facilities, which flow into the area to be platted, and those areas within one-half mile downstream which will receive runoff from the area to be platted.

C. Hearing on Preliminary Plat - Approval - Denial. The Commission shall publish notification of and hold a public hearing on the preliminary plat, such notice to be published at least one time in the City's legal newspaper not less than five (5) and not more than fifteen (15) days prior to the hearing date. Upon hearing all interested parties, the Commission shall approve or deny the preliminary plat as submitted or may approve the plat as submitted subject to specified changes. Upon denial the subdivider may appeal the Commission's decision to the Governing Body who may affirm or reverse the same. Upon approval any objector may appeal the Commission's decision to the Governing Body who may affirm or reverse the same.

D. Plan Commission Action. The Plan Commission shall recommend approval, conditional approval or disapproval of the plat within sixty (60) days of the date of its submission by the applicant. If the preliminary plat is disapproved or approved conditionally, the reasons for such actions shall be signed by the chairman of the Plan Commission and shall be attached to one (1) copy of the plat and submitted to the subdivider. If no action is taken by the Plan Commission at the end of the sixty (60) day period after submission, the plat shall be deemed to have been approved. On conditionally approving a plat the Commission may require the submission of a revised preliminary plat. If the plat conforms to all of the standards, or after the applicant and the Plan Commission agree upon any revision which shall be filed with the Commission on a revised copy, the subdivider may proceed with the preliminary engineering design of the improvements to be placed in the subdivision.

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Sec. 17-202 PUBLIC WORKS ELEMENTS. Upon approval of the preliminary plat by the Plan Commission the subdivider shall prepare and submit to the City Engineer the following:

A. Two prints of preliminary plans and profile of all public streets.

B. Two prints of preliminary plans and profiles of sanitary sewers.

C. Two prints of preliminary storm water plans including culverts, bridges, underground pipe, improved channels and natural waterways where appropriate. Drainage easements shall also be shown in preliminary fashion in the plan. Hydrology calculations shall be based upon Design Criteria for Storm Sewers and Appurtenances published May, 1966 by the Kansas City Metropolitan Chapter of the American Public Works Assocation as amended.

D. Two prints of a preliminary water supply and distribution plan.

E. Two prints of a public facilities plan depicting the location and size of any park, school or other public lands to be dedicated or otherwise set aside for public ownership and use.

F. Two copies of a street lighting plan for all streets within the addition and where requested by the City Engineer on a boundary street, when the boundary street is to be improved concurrently with street improvements within the subdivision, provided, when boundary streets are not to be improved concurrently with subdivision streets, the City Engineer shall specify the amount which a developer

shall place in escrow with the City to provide the proportionate share of street lights for a boundary street when improved or approved by the City.

The City Engineer and other appropriate officials shall review these documents and submit the same to the appropriate district offices, or boards with technical recommendations. Upon action by each of the boards or district offices involved, the City Engineer shall notify the subdivider in writing of the actions of said boards and of the findings of his office. A copy of this notification shall be placed in the records of the Plan Commission and reference made thereto at the time the final plat is being considered by that body. The Plan Commission shall not approve a final plat until all public works elements have been designed or otherwise stipulated and compliance with these regulations certified by the City Engineer.

Sec. 17-203 FINAL PLAT.

A. General. The final plat shall be neatly drawn in ink on drafting film. Ten black or blue line prints thereof shall be submitted to the City not less than fifteen (15) days before the Plan Commission meeting at which it is to be considered for final approval.

B. Form. The final plat shall be drawn at a scale of one hundred (100) feet to one (1) inch from an accurate survey. Sheet size shall be twenty-four by thirty-six (24 x 36) inches. On the first sheet of every plat there shall be a key map showing the location of the subdivision referenced to government survey lines and major streets. If more than two (2) sheets are required for the plat, the key map shall show the number of the sheet for each area. The developer shall also submit on positive film one copy of the final plat reduced to 1" = 200 '.

C. Contents of the Final Plat. The final plat shall show all of the following:

1. The location and description of all section corners and permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced;

2. The length of all required lines dimensioned in feet and decimals thereof, and the value of all required true bearings and angles dimensioned in degrees, minutes and seconds as hereinafter required;

3. The boundary lines of land being subdivided, fully dimensioned by lengths and bearings, and the location of boundary lines of adjoining lands, with adjacent subdivisions identified by official names;

4. The lines of all proposed streets fully dimensioned by lengths and bearings of angles;

5. The widths, and names where appropriate, of all proposed streets, and of all adjacent streets and easements which shall be properly located;

6. The lines of all proposed lots fully dimensioned by lengths and bearings or angles;

7. The outline of any property which is offered for dedication to public use, fully dimensioned by lengths and bearings, with the area marked "public";

8. The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block with areas to be excluded from platting marked "excepted" or "not a part";

9. The location of all building lines, setback lines, and easements for public services or utilities with dimensions showing their location;

10. The location of all easements for drainage with dimensions showing their location;

11. The radii, arcs, points of tangency, points of intersection, and central angles for curvilinear streets and radii for all property returns;

12. The proper acknowledgements of owners and the consent by the mortgagee to plat restrictions;

13. The following, which shall be made and shown on the final film tracing:

    a. Owner's certificate and dedication, signed and acknowledged;

    b. Engineer's or land surveyor's certificate of survey, signed and sealed;

    c. Certificate for release of mortgage for any portion dedicated to the public;

    d. Reference to any separate instruments, including restrictive covenants, filed in the office of the County Register of Deeds which directly affects the land being subdivided;

14. A title block shall be located on the final plat and shall include:

    a. The name of the subdivision;

    b. The name of the city, county and state;

    c. The location and description of the subdivision referenced to section, range and township;

    d. Signature block for chairman of Plan Commission, Mayor and City Clerk.

D. <u>Additional Calculations and Information</u>.

1. A copy of all lot area, boundary and other calculations performed on the plat shall be submitted to the City Engineer.

2. The reference line or meridian for bearings shown on the plat shall be submitted and the City Engineer may require adjustment in such line in the interest of consistency and order relation to other plats and surveys in the area.

E. Plan Commission Action. The Plan Commission shall act upon the final plat within sixty (60) days after it has been submitted for final approval. This approval and the date thereof shall be shown on the plat over the signature of the Plan Commission Chairman. Unless stipulated, or additional time is agreed to by the subdivider, and if no action is taken by the Plan Commission at the end of the sixty (60) day period, the plat shall be deemed to have been approved. A certificate as to the date of submission of the plat for final approval and failure of the Plan Commission to act thereon within such time shall be sufficient in lieu of written endorsement of approval.

If the final plat is disapproved, grounds for this refusal shall be stated in writing, a copy of which shall be transmitted to the applicant.

F. City Council Action. Before recording the final plat, it shall be submitted to the City Council for approval and acceptance of public ways and service and utility easements and land dedicated to public use. This approval of the plat shall be shown over the signature of the Mayor and attested to by the City Clerk or his deputy. The disapproval of any plat or plan by the City Council shall be deemed a refusal of the proposed dedication shown thereon.

G. Recording of the Plat. After final approval of the plat and the affixing of all required signatures on the original tracing, the subdivider shall provide the City with five (5) black or blue line prints thereof, and two contact prints on linen. The City Clerk shall file one linen print and one black or blue line print with the Johnson County Register of Deeds.

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ARTICLE 3. DESIGN

Sec. 17-301 DESIGN PRINCIPLES. The quality of design of an urban area is dependent on the quality of design of the individual subdivisions that compose it. Good community design requires the coordination of the efforts of each subdivider and developer of land within the City. Therefore, the design of each subdivision shall be prepared in accordance with the principles established by the Comprensive Development Plan for land use, circulation, community facilities, and public utility services and in accordance with the following general principles:

A. It is intended that the urban area shall be designed as a group of integrated residential neighborhoods and appropriate commercial, industrial and public facilities.

B. The size of lots and blocks and other areas for residential, commercial, industrial and public uses shall be designed to provide adequate light, air, open space, landscaping, and off-street parking and loading facilities.

C. The arrangement of lots and blocks and the street system shall be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees shall be preserved wherever possible. The system of sidewalks and roadways and the lot layout shall be designed to take advantage of the visual qualities of the area.

D. Circulation within the City shall be provided in accordance with the following design criteria:

1. Each subdivision shall provide for the continuation of all major streets and highways as shown on the Major Street Plan.

2. Local streets shall be designed to provide access to each parcel of land within the residential neighborhood in a manner that will discourage use by through traffic. They shall be planned so that future urban expansion will not require the conversion of local streets to collectors or thoroughfares.

3. Collector streets shall be designed to provide direct access from local streets to the major thoroughfare and expressway systems.

4. Ingress and egress to residential properties shall be limited to the extent possible to local and collector streets.

5. Pedestrian ways shall be separated from roadways used by vehicular traffic. Sidewalks and/or bikeways shall be required and shall be designed to provide all residential building sites with direct access to all neighborhood facilities, including the elementary school, parks, playgrounds, churches, and shopping centers.

E. In order to achieve the objective of preservation of property values and quality of life, the Plan Commission and City Council may, in the subdivision approval process, require various design modifications and allow exceptions from these rules if, in their judgement, the public welfare will be served. The mere compliance with the minimum standards set out herein shall not assure approval of a subdivision. The Plan Commission may, in its review of preliminary and final plats, require, among others, the following if the public interest is served and if the requirement is not unreasonable or inequitable to any party:

1. Construct walkways or bicycle paths along streets.
2. Construct walkways or bicycle paths on alignments that are not along streets but along rear lot lines, drainageways, etc.
3. Provide larger lots than the required minimum if transition from a large lot subdivision is needed to preserve property values.
4. Disapprove subdivisions in locations where sanitary sewer systems are not available for disposal of waste water if evidence or past experience indicates that contamination of surface or ground water will occur or if installation of a system of sewers and temporary treatment is feasible.
5. Disapprove or delay subdivisions in locations where current street access to the subdivision does not have an adequate, safe and all-weather type surface.
6. Require adjustments and special protective measures in street and lot planning where flood plains exist or where surface runoff is concentrated to the degree that erosion is likely or danger to life or property may exist.

7. Approve preliminary plats for subdivisions where the actual development of the entire subdivision cannot logically proceed until provision of such public works elements as boundary street pavement or sanitary sewers are in place. In such cases the Commission and Council may delay approval of final plats or the issuance of building permits on certain designated lots in the subdivision until the public works elements are completed or their completion assured.

F. Minimum standards for development are contained in the Leawood Zoning Ordinance, the City Building Code the Leawood Street Construction Standards and in this Ordinance. In addition, the Comprehensive Development Plan expresses policies designed to achieve an optimum quality of development in the City.

Sec. 17-302 SUBDIVISION DESIGN STANDARDS

A. Streets. The arrangement, character, extent, width, grade and location of all streets shall conform to all of the elements of the Major Street Plan and shall be designed in accordance with the following provisions:

1. Major streets shall be planned to conform with the Major Street Plan.

2. Whenever a subdivision abuts or contains an existing or proposed major street, the Plan Commission may require service streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

3. Local streets shall be laid out so that their use by through traffic will be discouraged.

4. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Plan Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard to the requirements of approach grades and future grade separation structures.

5. Reserve strips controlling access to streets shall be prohibited except where their control is placed in the City under conditions approved by the Plan Commission.

6. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

7. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connections for such resubdivision.

8. Street jogs with centerline offsets of less than one hundred and fifty (150) feet shall not be permitted.

9. Streets shall intersect at approximately right angles and no street should intersect any other street at an angle of less than seventy-five (75) degrees.

10. Street rights-of-way, pavement widths, maximum and minimum gradients, sight distance requirements, horizontal and vertical alignment, and other design elements shall be in accordance with the Leawood Street Construction Standards based on the street classification shown on the Major Street Plan. Where unusual topographic conditions exist in the opinion of the Plan Commission and the City Engineer, slight modification from these standards may be permitted. New streets not shown on the Major Street Plan shall be designed to local street standards unless the Plan Commission determines that higher design standards are required to serve anticipated traffic demands.

11. A cul-de-sac shall not exceed five hundred (500) feet in length, measured from the entrance to the center of the turnaround. The turnaround shall have an outside property line radius of not less than 50 feet and a curbline radius of 40 feet. There shall be provided in the center of the turnaround an unpaved island improved with grass and landscaping that will not interfere with sight distance. Said unpaved area shall have a radius of not less than twelve (12) feet and shall be curbed.

12. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and provided that the Plan Commission finds it will be practical to obtain the dedication of the other half of the street right-of-way within a reasonable time.

13. The arrangement of streets shall be such as to facilitate the subdividing of adjacent properties. Street stubs shall be platted and paved at intervals in keeping with maximum block length standards, topography and property lines of land adjacent.

14. Street names and numbers shall be assigned by the City of Leawood.

A.1. Scope of Ordinance. This ordinance shall deal exclusively with private streets. Any other reference to streets in this section shall be construed to be a reference to public streets.

a. Private streets shall be allowed only within residential developments as defined and authorized in Article 10 of the Leawood Zoning Regulations.

b. Plats with private streets shall have the private streets clearly and boldly marked on the drawing portion, as well as in the written portion.

c. All private streets which are platted after the adoption of this ordinance shall remain as private streets in perpetuity.

d. Any person making application for an occupancy permit for a residence constructed within a subdivision containing a private street, shall certify to the City that he has mailed by restricted certified mail to the initial purchaser of said residence a copy of the declaration of restrictions along with a letter calling particular attention to the fact that the residence may be subject to assessments for the maintenance of private streets within the subdivision or development.

e. The City will install a standard "private street sign" at each private street connection to a public street at the developer's expense.

f. Each private street shall be designed and constructed to handle its and any connecting street's traffic loading.

g. All design factors of a private street shall be considered on an individual basis with the following minimum requirements:

1. 28 feet wide, back to back of curb
2. 8 inch pavement thickness, conforming to City standards
3. 1% minimum and 12% maximum gradients
4. 25 miles per hour sight radius
5. 65 foot center line radius.

h. Lay down type curb and gutter, as approved by the City shall be constructed along the public street curb line at the intersection of each public and private street, thus forming a ribbon of concrete separating the public and private street.

i. A public safety covenant in a form to be approved by the City shall be filed of record.

j. Street lights and/or sidewalks may be installed at the developer's discretion. In the event street lights and/or sidewalks are installed, their installations and their continued maintenance shall be the responsibility of the developer.

k. Adequate utility easements shall be provided.

B. Easements.

Easements not less than fifteen (15) feet wide shall be provided for use by public and private utilities along each rear lot line, and along side lot lines where necessary, in the following manner:

a. A permanent easement not less than seven and one-half (7-½) feet wide shall be provided along the rear lot line, or along the side lot line where necessary, of each abutting or adjoining lot.

b. Where the land owned and being subdivided ends at a rear or side lot line and the subdivider is unable to obtain from the adjoining property owners an easement not less than seven and one-half (7-½) feet wide, the Plan Commission upon finding that the easement will be available from the adjoining property owners at a future date, may approve the grant of an easement along each rear lot line, or side lot line where necessary, not less than ten (10) feet.

c. Easements shall be maintained free of buildings or structures. The Plan Commission may require area easements and easements of greater width for the extension of main storm and sanitary sewers, surface drainageways and other utilities where it is deemed necessary.

C. Storm Drainage. All subdivisions shall be provided with storm water disposal systems in compliance with the DESIGN CRITERIA FOR STORM SEWERS AND APPURTENANCES published by the Kansas City Metropolitan Chapter of the American Public Works Association and amendments thereto. Hydrological calculations shall utilize a time of concentration (TC) of ten minutes unless otherwise directed by the City Engineer. All subdivision plats shall include easements for purposes of access to and protection of underground and surface drainageways. Where drainageways serve a sufficiently large area that underground pipe is impractical, the City may require the subdivider to either perform channel improvements or, in the alternative, dedicate an easement of greater width than the drainageway currently requires in order to allow for overflow and sideslope deterioration. In addition, the calculated one hundred year flood elevation, as computed by a registered engineer, shall be depicted on the preliminary plat and submitted to the City Engineer with the Public Works Elements. This calculation and mapped flood line shall be submitted regardless of the presence of any flood plain as shown on the Flood Insurance Rate Maps of the Flood Insurance Agency. In case such flood prone area occurs within the subdivision the subdivider shall provide assurance that any building constructed in the flood prone area will have its lowest opening at or above the said 100 year flood elevation. Any grading within the flood prone area shall not proceed until review and approval is received from the Kansas Board of Water Resources as set out in K.S.A. 74-2611. In addition, the 100 year Floodway as depicted on the Flood Insurance Map, Department of Housing and Urban Development, shall be shown on the same preliminary plat if applicable to any portion of the subdivision.

Alternative methods of handling surface water may be required or permitted by the Plan Commission and City Council upon recommendation of the City Engineer. Such alternatives may include retention or detention basins, rooftop or parking lot detention, bank stabilization, velocity dissipation techniques and other methods that are shown to be in the long term public interest.

Prior to issuance of a building permit within a subdivision, the City Architect shall review a plot plan submitted by the applicant indicating finished grades for each lot and specifying by proper indications thereon the direction of flow of surface drainage and facilities for its disposition adequately to preclude damage to any adjacent property by virtue of such drainage.

D. Public Areas and Open Spaces. Public parks, playgrounds, school sites and other public areas and open spaces shall be provided in accordance with the requirements and standards set forth in the Comprehensive Development Plan as amended and in the ordinances relating thereto.

E. Blocks.

1. The lengths, widths and shapes of blocks will be determined with due regard to the following:

   a. Provision shall be made for the use of adequate building sites suitable for the special needs of the type of use contemplated.

   b. Zoning requirements as to lot sizes and dimensions shall be met.

   c. The proposed subdivision must be designed to provide the needs for convenient access, circulation, control and street safety.

   d. The subdivision shall be designed to function adequately within the limitations and opportunities provided by the topography of the site.

2. Blocks for residential use shall not be longer than eighteen hundred (1,800) feet along the center line of the block. When a block exceeds six hundred feet (600) in length, the Plan Commission may require a dedicated and fenced easement containing a paved crosswalk not less than five (5) feet in width to provide pedestrian access across the block.

3. Blocks used for residential purposes shall be of sufficient width to allow for two tiers of lots of appropriate depth. Blocks intended for business and industrial use shall be of a width suitable for the intended use, with due allowance for screening and off-street parking and loading facilities.

F. Lots.

1. Residential lots shall have a width not less than that specified in the Leawood Zoning Ordinance. Lots fronting on a cul de sac turn around shall have a frontage on the turn around of not less than forty-five (45) feet. Lots shall be of a generally symmetrical shape, shall permit construction of a broad range of building shapes and sizes, shall not have a depth greater than three times the width and shall have its buildable width generally face, and directly relate to, the street upon which it fronts.

2. Side lot lines shall be approximately at right angles or radial to street lines.

3. The depth of residential lots shall be not less than one hundred and twenty (120) feet or that specified in the Zoning Ordinance, whichever is greater.

4. The area of residential lots shall be not less than twelve thousand (12,000) square feet or that specified in the Zoning Ordinance, whichever is greater.

5. In subdivisions where commercial and industrial uses are planned, provisions shall be made for adequate street access, off-street parking and loading, varying lot sizes, avoidance of face to face relationships with residential lots and shall utilize transitional land use patterns where possible.

G. Building Lines. Building lines along all front and side streets shall be shown on the final plat and shall, as a minimum, comply with yard requirements of the Leawood Zoning Ordinance.

ORD. NO. 683 11-3-80

Sec. 17-303 LOT SPLITS. A previously platted lot containing no building, and which abuts no platted lot which contains a building, may be divided as a lot split by either metes and bounds description or by replat provided the lot sizes produced shall comply with the Leawood Zoning Ordinances. If such lot is to be divided by metes and bounds description, however, it may be so divided only one time and by only one new dividing lot line and shall not again be divided without replatting. Such lot split need not comply with procedures set out in this ordinance but may be approved by the City Engineer prior to issuance of a building permit on any portion thereof. A lot to be divided more than one time, or involving more than one new dividing line, or where a building exists on the lot or on an abutting lot, shall be considered a replat and shall be subject to the same procedure as any subdivision as set out herein.

SUBDIVISION REGULATIONS 1-16-78

ARTICLE 4. IMPROVEMENTS

Sec. 17-401 MAJOR STREET PLAN AND STREET CLASSIFICATIONS. The Major Street Plan of the City establishes a street classification which is intended to tailor the design of each street to its function. These classifications are set out by the Major Street Plan Map dated April 18, 1983, and are described as:

1. A primary arterial street shall be designed to carry through traffic and shall require a right-of-way width of 120 feet. There are two pavement widths of 25 feet each back-to-back of curb.

2. A secondary arterial street is designed to serve as part of the principal network for through traffic, carrying fewer vehicles than the primary arterial street. The required right-of-way width is 100 feet. The pavement width is 48 feet back-to-back of curb.

3. An urban residential collector street shall provide the traffic movement and access needs of urban residential neighborhood traffic. The right-of-way width is 60 feet and the pavement width is 36 feet back-to-back of curb.

4. An urban residential street shall serve residential neighborhoods. The right-of-way width is 50 feet and the pavement width is 26 feet back-to-back of curb.

5. A primary collector street shall have a right-of-way width of 80 feet. The pavement width is 36 feet back-to-back of curb.

6. A rural collector street provides general access needs to the rural land areas south of 135th Street. The right-of-way width is 80 feet and the pavement width is 32 feet with ditch sections.

7. A rural residential street provides access to rural residential neighborhoods. The right-of-way width is 60 feet and the pavement width is 22 feet with ditch sections.

Sec. 17-402 GENERAL PROVISIONS. It is the intent of the City Council of the City of Leawood that all subdivisions shall hereafter contain all the improvements required for the highest practical level of safety and welfare of the inhabitants of the subdivisions. Since the City at large will assume responsibility for maintaining and sustaining the public works elements in perpetuity it is the intent of the City Council that those elements be of high quality, designed for the longest practical life and be capable of low cost maintenance throughout the life of the project. It shall therefore be the responsibility of the subdivider to install, at his initiative and cost, all public works elements in the subdivision, or arrange for their installation through irrevocable agreements such as formation of benefit districts, surety bond, cash escrow, etc. except those which are deemed to basically serve the City at large.

Sec. 17-403 REQUIRED IMPROVEMENTS. The following shall be the minimum required improvements in a subdivision.

A. Street pavement, curbs and sidewalks for all local and collector streets shall be constructed to the design standards included in the "Public Improvement Construction Standards" of the City of Leawood, Kansas. Where a local or collector street abuts a subdivision, the subdivider shall make satisfactory arrangements to pay fifty (50) percent of the cost to develop said street to the standards described herein and shall dedicate one-half of the required right-of-way. Where a designated arterial street abuts the property owner's land, the property owner shall make satisfactory arrangements to pay fifty (50) percent of the cost to develop said street to the standards prescribed for a primary collector and shall dedicate one-half of the right-of-way needed for an arterial street. When a designated arterial street runs completely through the property owner's land, the owner shall be required to pay one hundred (100) percent of the cost to develop said street to the standards prescribed herein for a primary collector street and dedicate the required right-of-way for the arterial facility. In cases, however, where unusual ownership patterns, abnormal street or road conditions, location of the subdivision on unimproved roadways and other circumstances make this procedure unworkable, inequitable or contrary to the public interest, the Plan Commission may, subject to approval by the City Council, negotiate alternative methods of achieving acceptable improvements.

B. Storm water handling facilities shall be designed and installed throughout the subdivision by the subdivider. Design shall comply with DESIGN CRITERIA FOR STORM SEWERS AND APPURTENANCES

published by the Kansas City Metropolitan Chapter of the American Public Works Association, and amendments thereto, except as indicated in the City of Leawood's "Public Improvement Construction Standards". All storm water facilities shall be designed by a professional engineer registered in the State of Kansas and the preliminary plans shall be approved by the Director of Public Works so certified to the Plan Commission prior to approval of the final plat.

C. Sidewalks and/or bikeways shall be included in all subdivisions. A sidewalk shall be constructed along one side of all local streets and both sides of all major streets and streets in multi-family and commercial areas. Paved bikeways may be substituted for or provided in addition to sidewalks where such a facility would benefit the public or comply with the parks and recreation plan of the City. Sidewalks, and bikeways, if practical, shall be shown on the preliminary plat.

D. Water lines shall be installed by the subdivider in keeping with policies and specifications of the water district serving the subdivision. Fire hydrants shall be installed as part of the water main construction.

E. Sanitary sewers shall be installed by the subdivider in keeping with local and state standards. Where no system of mains or treatment is available the Plan Commission may deny the subdivision or require special engineering documentation supporting an alternative sewage disposal system.

F. Street lighting standards and fixtures shall be provided in accordance with the City's Street Lighting Standards and Specifications.

G. Standard City of Leawood street name markers shall be prepared and installed on all street intersections by the City of Leawood Public Works Department. The subdivision developer will be issued a statement of cost by the Leawood Public Works Department for all materials and labor required for the preparation and installation of the street name markers. Payment must be received prior to any building permits being issued within the subdivison.

H. Monuments in the form of iron pins not less than one-half inch in diameter and 24 inches in length shall be driven to one inch below the final grade at each block corner. Corners of the subdivision shall be marked with steel pin not less than three-fourths inch in diameter and three feet in length, driven to one inch below final grade. The Director of Public Works may require additional monuments where the public interest will be served.

I. Tree planting and other landscaping located within public right-of-way shall be regulated and approved by the City of Leawood to prevent interference with public sidewalks, street lighting or safe site distance at any street intersection or private driveway. All such trees or other landscaping shall not be the responsibility of the City of Leawood but shall be the responsibility of a homes association or other acceptable type organizations duly registered with the City of Leawood. Such organizations shall totally maintain the trees and other landscaping such as growth, trimming, removal and replacement.

Sec. 17-404 ENFORCEMENT. It is the intent of the City Council of the City of Leawood that the above required improvements or public works elements be installed in a competent and timely fashion and that the residents of homes built in the subdivision shall have the full range of services provided by the improvements beginning with initial occupancy of the home. Therefore, no building permit shall be issued for a building to be placed on a lot which is not fully served by all of these improvements. For purposes of this ordinance "being fully served" shall mean that sanitary sewers (except where alternate methods are used), water supply, street pavement, sidewalks/bikeways, storm sewers, street lighting, street markers and monuments shall be installed, duly inspected and found acceptable, accepted by the City Council, and service connections, if appropriate, applied for. In the event that building permits are desired before all of the improvements are in place, the subdivider may place with the City of Leawood preformance surety, in the form of bond, cash escrow or other acceptable means guaranteeing the installation of all improvements, whereupon building permits may be issued. The amount of surety shall be equal to 100% of the estimated cost of all improvements as determined by the Director of Public Works. Such surety and the issuance of building permits may be in increments as may be deemed practical by the Director of Public Works and the City Architect, but in no case less than one full block length of street.

Sec. 17-405 MAINTENANCE SURETY. The subdivider or the contractors responsible for the construction of public street pavement, curbs and gutters, storm sewers, sidewalks, bikeways, street markers and street lighting shall deposit surety in the form of bond, cash, or other acceptable methods with the City guaranteeing against failure of any of those public works elements for a period of two years following acceptance by the City. The amount of surety shall be determined by the Director of Public Works and shall be generally equal to the cost of construction. In the case of a performance surety being used as set out in Section 5 above, that surety may be retained by the City for two years following acceptance of the public works elements in satisfaction of this maintenance bond requirement. Release of maintenance surety shall be by the recommendation of the Director of Public Works and reported to the City Council. The Director shall inform the developer, in writing, that the public works improvements are in satisfactory condition and that the developer is released from the Maintenance Surety, and that the City of Leawood accepts the public works improvements and the maintenance thereof.

ORD. NO. 778 5-2-83

ARTICLE 5. ADMINISTRATION AND AMENDMENT.

Sec. 17-501 RULE EXCEPTIONS. Whenever the tract to be subdivided is of such an unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained herein would result in substantial hardship or inequity, the Plan Commission may vary from said requirements of design, but not of procedure or improvements, so that the subdivider may develop his property in a reasonable manner. At the same time, however, there must be a finding of unusual hardship as opposed to the mere granting of privilege so that the public welfare and interest of the City is protected and the general intent and spirit of this Ordinance preserved. Such rule exception shall be recommended to the City Council who must likewise find it acceptable if the final plat is to be finally approved. Such a rule exception shall state the reason for each variation and may be passed by a three-fourths (3/4) vote of the regular membership of the Plan Commission and a majority of the members of the City Council present.

Sec. 17-502 ADMINISTRATION AND AMENDMENT. The City Council may, from time to time, adopt, amend and make public rules and regulations for the administration of these subdivision regulations to the end that the public be informed and that approval of plats be expedited. These regulations may be enlarged or amended by the City Council after public hearing, due notice of which shall be given as required by law, and after recommendation of the Plan Commission.

Sec. 17-503 VALIDITY. If any section, clause, paragraph, provision or portion of these regulations shall be held invalid or unconstitutional by any court of competent jurisdiction, such a holding shall not affect any other section, clause, paragraph, provision or portion of these regulations.

Sec. 17-504 REPEAL. All ordinances or parts of ordinances of the City of Leawood in conflict herewith are hereby repealed, but in no way are deed restrictions affected by these subdivision regulations.

Sec. 17-505 PENALTIES. The violation of any provision of this article is a public offense and any person, firm, association, partnership, or corporation convicted thereof, shall be punished by a fine not to exceed $500.00; and the City shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provision on this article and to abate nuisances maintained in violation thereof; and in addition to other remedies, institute unjunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure or land. Each day any violation of this article shall continue constitute a separate offense.

17-403

Sec. 17-506 CONFLICT WITH PRIVATE COVENANTS. The standards and procedures set out herein shall be held to be the minimum requirements for the promotion and protection of health, safety, morals or general welfare of the public. These regulations shall not annul or abrogate any covenant, restriction or private agreement; however when these regulations impose a higher standard than such covenant, restriction or private agreement, then these regulations shall prevail.

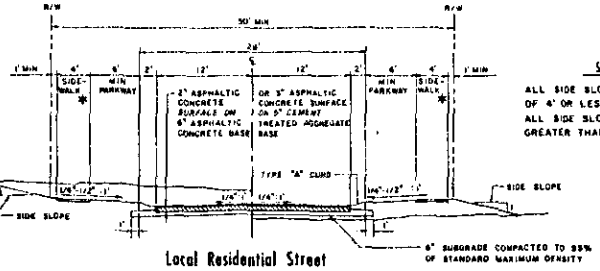
TYPICAL CUT SECTIONS TYPICAL FILL SECTIONS

DESIGN STANDARDS

1. DESIGN SPEED = 25 MPH
2. MAX. GRADE = 10%
3. MIN. RADII = 200'
4. MIN. STOPPING SIGHT DISTANCE = 160'

* SIDEWALKS SHALL BE PROVIDED ON AT LEAST ONE SIDE OF LOCAL STREET.

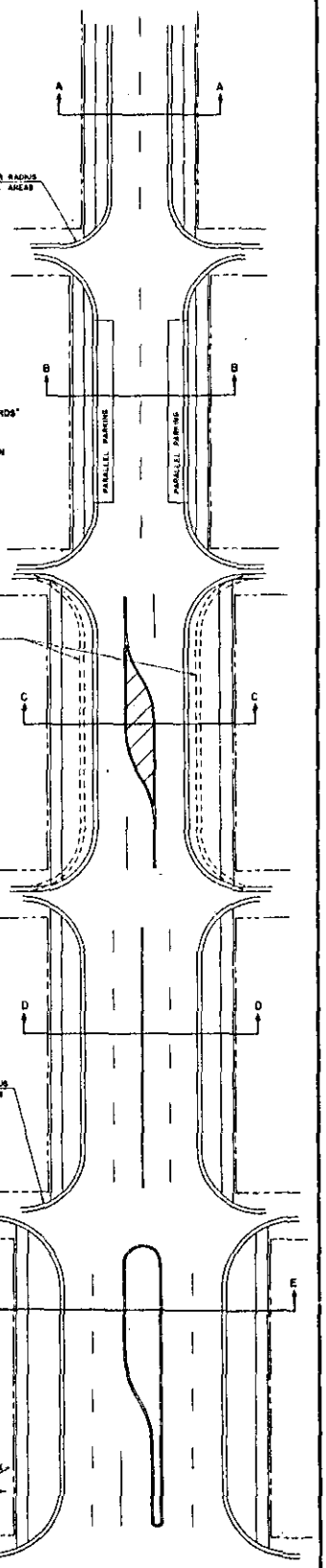
LOCAL STREETS IN COMMERCIAL, BUSINESS, OR INDUSTRIAL AREAS TO BE CONSTRUCTED TO STANDARDS SET BY ENGINEERING STUDY.



Local Residential Street
SECTION A-A

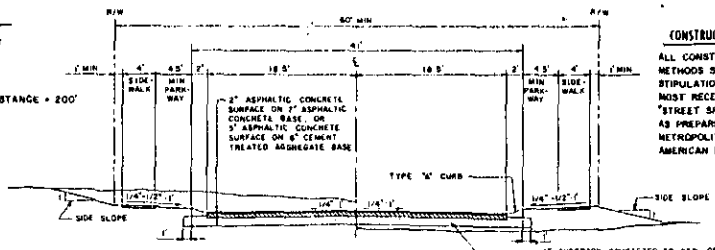
SIDE SLOPES

ALL SIDE SLOPES ON CUTS OR FILLS OF 4' OR LESS SHALL BE 4:1
ALL SIDE SLOPES ON CUTS OR FILLS GREATER THAN 4' SHALL BE 2:1 MAX.



DESIGN STANDARDS

1. DESIGN SPEED = 30 MPH
2. MAX. GRADE = 8%
3. MIN. RADII = 300'
4. MIN. STOPPING SIGHT DISTANCE = 200'



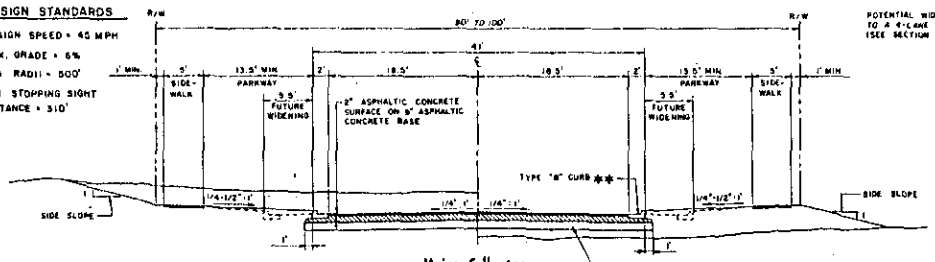
Minor Collector
SECTION B-B

CONSTRUCTION SPECIFICATION

ALL CONSTRUCTION MATERIALS AND METHODS SHALL CONFORM WITH THE STIPULATIONS PRESCRIBED BY THE MOST RECENT EDITION OF THE "STREET SPECIFICATIONS AND STANDARDS" AS PREPARED BY THE KANSAS CITY METROPOLITAN CHAPTER OF THE AMERICAN PUBLIC WORKS ASSOCIATION

DESIGN STANDARDS

1. DESIGN SPEED = 40 MPH
2. MAX. GRADE = 6%
3. MIN. RADII = 500'
4. MIN. STOPPING SIGHT DISTANCE = 310'



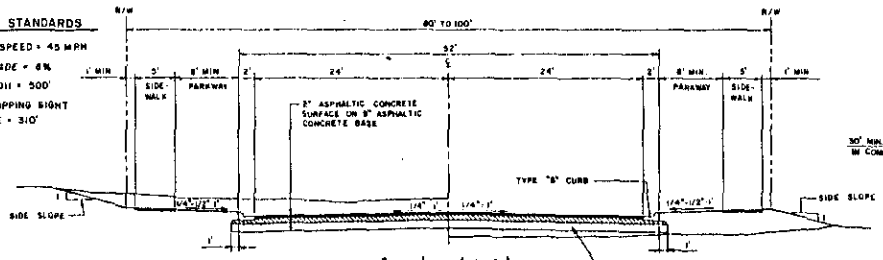
POTENTIAL WIDENING TO A 4-LANE STREET (SEE SECTION D-D)

Major Collector
SECTION C-C

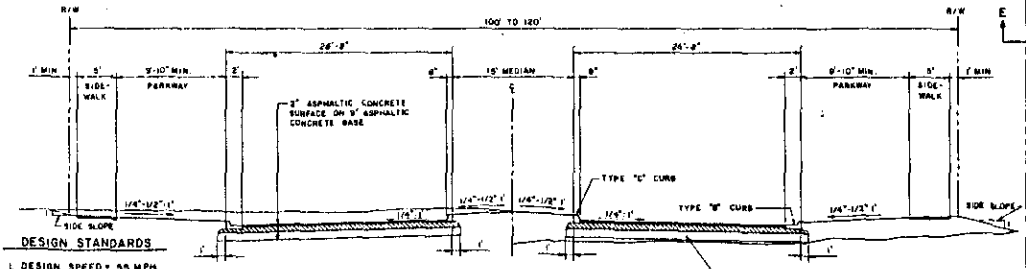
** IN SOME CASES TYPE "C" CONCRETE CURB MAY BE USED TO ALLOW PROGRAMMED WIDENING

DESIGN STANDARDS

1. DESIGN SPEED = 45 MPH
2. MAX. GRADE = 6%
3. MIN. RADII = 500'
4. MIN. STOPPING SIGHT DISTANCE = 310'



Secondary Arterial
SECTION D-D



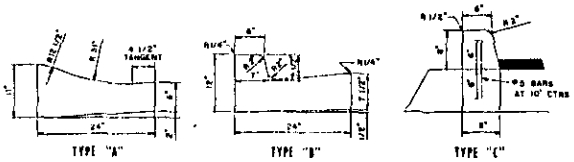
Primary Arterial
SECTION E-E

DESIGN STANDARDS

1. DESIGN SPEED = 55 MPH
2. MAX. GRADE = 6%
3. MIN. RADII = 500'
4. MIN. STOPPING SIGHT DISTANCE = 425'

GENERAL NOTES

1. THE MINIMUM GRADIENT FOR ALL STREETS SHALL BE 0.50% AND GRADIENTS SHOULD BE 1.00% MINIMUM WHEREVER PRACTICAL.
2. VARIANCES MAY BE GRANTED BY GOVERNING BODY FOR SHORT LENGTHS OF STREETS TO FACILITATE ECONOMICAL CONSTRUCTION.
3. PORTLAND CEMENT CONCRETE PAVEMENT OF COMPARABLE DESIGN STRENGTH IS A PERMISSIBLE ALTERNATE.
4. SIDEWALKS SHALL BE OF P.C.C. CONCRETE 4" IN THICKNESS EXCEPT CROSSING RESIDENTIAL DRIVES THEY SHALL BE 6" THICK AND CROSSING COMMERCIAL DRIVES THEY SHALL BE 8" THICK.



P.C.C. CONCRETE CURB AND GUTTER DETAILS

STREET CONSTRUCTION STANDARDS - Adopted by "Subdivision Regulations, City of Leawood, Ks., 1-16-78"; Ord. No. 571

7-14-78

XVIII. COMPREH.
PLAN

CHAPTER XVII

SUBDIVISION REGULATIONS

(Fifty pages will be allowed for this chapter)

17-101

CHAPTER XVIII

COMPREHENSIVE PLAN

(One hundred pages will be allowed for this chapter)

These two chapters should be ready to be incorporated into the Revised Ordinances by May, 1974. The next page number at this time is page 401, the first page of Chapter XIX, PUBLIC PROPERTY.

XIX. PUBLIC PROP.

CHAPTER XIX. PUBLIC PROPERTY

Ordinances in this chapter will not be printed in their entirety, but only in summary form.

ARTICLE 1. PURCHASE, ACQUISITION, OR DONATION OF LAND

19-101. An ordinance providing for the purchase of real estate within the City of Leawood, Kansas, on which is located a building to be used as a street department garage and public works building, providing for all incidental improvements in connection therewith and providing for the issuance of Temporary Notes by the City of Leawood, Kansas, to pay the cost thereof in the sum of $79,352.00.

The Governing Body of the City of Leawood, Kansas, did on the 17th day of December, 1962, by Resolution duly passed (No. 105) determine the advisability and necessity of the purchase of real property to wit: (Here follows legal description) This tract of land contains 80,422.71 square feet of area.

ORD. NO. 218 2-4-63

19-101.1. REPEALED BY ORDINANCE NO. 661, 11-5-79.

19-101.2. REPEALED BY ORDINANCE NO. 661, 11-5-79.

19-102. An ordinance relating to the acceptance of a deed from Kroh Bros., Inc., a Missouri Corporation, conveying to the City of Leawood, Kansas, that part of the north half of fractional Section 11, Township 13, Range 25, and known as part of Tract "H".

ORD. NO. 418 S 1-17-72

19-103. An ordinance relating to the acceptance of deeds from Kroh Bros., Inc., a Missouri corporation, conveying to the City of Leawood, Kansas, parts of Tract "H" Leawood Industrial District, Leawood, Kansas.

The City Council of the City of Leawood, Kansas, does hereby accept certain deeds of gift and warranty deeds, which when taken together, grant to the City the following described real property, to wit:

(Here follow the legal descriptions of Tract I, Tract II, Tract III, Tract IV, and Tract Va.) ORD. NO. 429 S 9-6-72

19-104. An emergency ordinance relating to the acceptance of a corporation warranty deed and deed of gift from Ward Parkway Shops, Incorporated, a Missouri corporation, which when taken together, convey that part of the north half of fractional Section 11, Township 13, Range 25, City of Leawood, Johnson County, Kansas, commonly known as part of Tract H. (Legal description follows.) ORD. NO. 435 S 5-7-73

This property sold to Leawood Country Club. No Longer Public

19-105. An ordinance relating to the acceptance of a deed from Donald Joyce Hall, Adele C. Hall, Robert A. Marshall, Barbara Hall Marshall and Elizabeth Ann Reid by Donald J. Hall, attorney in fact, conveying 10.33 acres more or less and acceptance of a deed from Joyce C. Hall and Elizabeth Ann Hall conveying 3.13 acres more or less to the City of Leawood, Kansas. (Section 10, Township 13, Range 25)

ORD. NO. 472 12-16-74

CHAPTER XIX. PUBLIC PROPERTY

ARTICLE 1. PURCHASE, ACQUISITION, OR DONATION OF LAND

19-106. An ordinance relating to the acceptance of a deed from Ward Parkway Investment Co., a Missouri corporation, conveying to the City of Leawood, Kansas, a tract of ground to be used for park purposes. (Section 10, Township 13, Range 25) ORD. NO. 476 12-26-74

19-107. An ordinance relating to the acceptance of a deed from Ward Parkway Investment Co., a Missouri corporation, conveying to the City of Leawood, Kansas, a tract of ground to be used for park purposes. (Section 10, Township 13, Range 25) ORD. NO. 477 1-6-75

19-108. ACCEPTANCE OF DEED. The City of Leawood does hereby accept a deed from Central Estates, Inc., conveying the property described in Attachment "A" to be used for a second City fire station. ORD. NO. 533 12-20-76

19-109. INCORPORATION BY REFERENCE. A copy of said deed is attached hereto and incorporated by reference. ORD. NO. 533 12-20-76

19-110. ACCEPTANCE OF DEED. The City of Leawood does hereby accept a deed from Central Estates, Inc., conveying the property described in Attachment "A" to be used for a second City fire station. ORD. NO. 534 12-20-76

19-111. INCORPORATION BY REFERENCE. A copy of said deed is attached hereto and incorporated by reference. ORD. NO. 534 12-20-76

19-112. That the Governing Body of said City be authorized to condemn permanent and construction right of way and/or easements across the tracts described in Exhibit A attached hereto for the purpose of providing the land or interests in land necessary to construct the improvements described in Improvement District 79-1. ORD. NO. 634 4-16-79

19-113. INCORPORATION BY REFERENCE. A copy of said Exhibit A is attached to the original ordinance and thereby incorporated by reference. ORD. NO. 634 4-16-79

19-114. ACCEPTANCE OF DEED FOR PARK PURPOSES FROM PLAZA SAVINGS ASSOCIATION. "City Park", Longwood Forest Plat (legal description given) ORD. NO. 646 9-17-79

19-115. INCORPORATION BY REFERENCE. A copy of said Deed is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 646 9-17-79

Add 19-114 & 117

* per Toman 3/1/79, City dedicated 10' addl. r-o-w on Mission; 3/2/79, Tom B. (SK&W) stated Swartzell believes we did not; we h/es) legal document to substantiate a 15' r-o-w.

CHAPTER XIX. PUBLIC PROPERTY

ARTICLE 1. PURCHASE, ACQUISITION, OR DONATION OF LAND

*19-116. ACCEPTANCE OF DEEDS. The Governing Body of the City of Leawood, Kansas, does hereby accept five (5) Quit Claim Deeds from Kroh Brothers Development Company Successor to Kroh Brothers, Inc., a Missouri corporation, which convey to the City of Leawood, Kansas five (5) vest-pocket parks. (88th & Meadow Lane; 81st & Manor; 92nd-93rd - Manor-Belinder; Brook Beatty; 91st Terr. & Lee Blvd.; legal descriptions given).

ORD. NO. 667 2-19-80

19-117. INCORPORATION BY REFERENCE. Copies of said five (5) Deeds are attached to the original of the ordinance and thereby incorporated by reference.

ORD. NO. 667 2-19-80

19-118. It is hereby authorized and provided that the land or interest therein hereinafter described be acquired for the construction of intersection improvements at College Boulevard and Roe Avenue within the City of Leawood, Kansas (legal descriptions given for permanent street right-of-way and temporary construction easement).

ORD. NO. 722 2-1-82

19-119. It is further provided that, as soon as practicable following publication of this ordinance, the attorneys for the City of Leawood, the law firm of Bennett, Lytle, Wetzler, Winn & Martin, are authorized to initiate action to exercise the power of eminent domain in accordance with K.S.A. 26-501 et seq., to condemn all land or interest therein hereinbefore described.

ORD. NO. 722 2-1-82

19-120. ACCEPTANCE OF DEEDS. The Governing Body of the City of Leawood, Kansas, does hereby accept eighteen (18) deeds from various sources, the land described therein to be used for park purposes.

ORD. NO. 739 5-3-82

19-121. Copies of said deeds are attached to the original ordinance and thereby incorporated by reference.

ORD. NO. 739 5-3-82

19-122. ACCEPTANCE OF DEEDS. The Governing Body of the City of Leawood, Kansas, does hereby accept three (3) deeds from various sources, the land described therein to be used for park purposes.

ORD. NO. 751 7-19-82

19-123. Copies of said deeds are attached to the original ordinance and thereby incorporated by reference.

ORD. NO. 751 7-19-82

*All except Brook Beatty have been vacated; See Sections 19-202 through 19-207.

*Was recorded on tape reels 6/25/81

CHAPTER XIX. PUBLIC PROPERTY

ARTICLE 2. SALE OF LAND

19-201. An ordinance relating to the sale of certain property in the City of Leawood, Kansas.

The Mayor and the City Clerk are hereby authorized and directed to execute a deed to the property described above in behalf of the City of Leawood, Kansas, and to deliver the same to Kansas City Testing Laboratories, Inc., a corporation upon receipt of the sum of three thousand five hundred eighty dollars ($3,580.00) and to purchase and deliver to said purchaser a title insurance policy insuring the title in said purchaser for said amount and to do all other things necessary and proper to carry out the purpose and intention of this ordinance.

The net funds available from the sale of said property shall be placed in the special building fund and used for the purposes authorized by said Act.

ORD. NO. C 10-6-69

19-202. The City of Leawood does hereby convey properties relative to the vest-pocket park at 88th and Meadow Lane in the City of Leawood, Kansas. (Legal descriptions given). ORD. NO. 668 2-19-80

19-203. The City of Leawood does hereby convey properties relative to the vest-pocket park between 92nd and 93rd Streets and Manor and Belinder in the City of Leawood, Kansas. (Legal descriptions given).

ORD. NO. 668 2-19-80

19-204. The City of Leawood does hereby convey properties relative to the vest-pocket park at 81st and Manor in the City of Leawood, Kansas. (Legal descriptions given). ORD. NO. 668 2-19-80

19-205. A copy of the deed for each of the foregoing tracts is attached hereto and thereby incorporated by reference.

ORD. NO. 668 2-19-80

19-206. The City of Leawood does hereby convey properties relative to the vest-pocket park between 91st and 92nd Streets and 91st Terrace and Lee Boulevard in the City of Leawood, Kansas. (Legal descriptions given.)

ORD. NO. 718 1-18-82

19-207. A copy of the deed for each of the foregoing tracts is attached hereto and thereby incorporated by reference.

ORD. NO. 718 1-18-82

19-208. The City of Leawood does hereby convey property to the Board of County Commissioners as the Governing Body of Johnson County Waste Water Districts (legal description given; Section 10, Township 13, Range 25). ORD. NO. 754 8-2-82

19-209. A copy of the deed for the foregoing tract is attached hereto and thereby incorporated by reference. ORD. NO. 754 8-2-82

ARTICLE 4. PURCHASE, SALE OR LEASE OF BUILDINGS AND EQUIPMENT

19-401. AN ORDINANCE AUTHORIZING THE PURCHASING A FIRE DEPARTMENT BUILDING together with an additional fire engine and fire protection equipment, for the City of Leawood, Johnson County, Kansas, under the authority of Section 15-408 and Article 1 of Chapter 10, of the General Statutes of Kansas for 1949, and all amendments thereto, and providing for the issuance of $30,000.00 in general obligation bonds of said city to pay the cost of the same.

Special election held on the 23rd day of January, 1951; a majority of the electors voting in favor of the proposition of issuing said bonds.

ORD. # 41 2-16-51

19-402. [See 19-101: ORD. # 218 2-4-63]

19-403. AN ORDINANCE RELATING TO PURCHASE OF POLICE DEPARTMENT EQUIPMENT AND APPARATUS. Be it ordained that the City of Leawood, Kansas deems that an emergency exists and that in order to properly protect and service and insure and provide for the health and convenience of the City of Leawood, Kansas, that it is necessary to purchase police department equipment and apparatus and augment police facilities and the city is presently without expendable funds for the purchase of said equipment and augmentation of said facilities. Therefore, the governing body authorizes an application to be made to the State Board of Tax Appeals for authority to expend $116,261.50 for the purchase of such emergency equipment and apparatus, for use prior to Dec. 31, 1973.

ORD. # 431 S 11-20-72

ARTICLE 5. DEDICATION AND VACATION OF STREETS

19-501. AN ORDINANCE RELATING TO THE VACATION OF THE UNNAMED DIAGONAL STREET SOUTH OF 81ST STREET ON STATE LINE ROAD. ORD. # A 9-10-56

19-502. AN ORDINANCE RELATING TO THE VACATION OF HIGH STREET FROM ITS INTERSECTION WITH THE NORTH LINE OF 83RD STREET NORTH TO THE CITY LIMITS OF THE CITY OF LEAWOOD, KANSAS. ORD. # C 1-5-59

19-503. AN ORDINANCE VACATING A PORTION OF 89TH STREET IN THE CITY OF LEAWOOD, KANSAS. [Legal description given for tract of land containing 14,022.51 square feet of area.] ORD. # 265 2-20-67

19-504. AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS AND EASEMENTS NECESSARY TO BE ACQUIRED FOR STREET AND PUBLIC UTILITY PURPOSES. The governing body of the City of Leawood, Kansas, does hereby approve the description and survey of the lands and other easements necessary to be acquired for street widening and utility purposes set forth, as on file in the office of the City Clerk of the City of Leawood, Kansas, and does further authorize the City Attorney in cooperation with the firm of Payne, Jones, Anderson, Martin & Payne, to make proper application for this project to a Judge of the District Court of Johnson County, Kansas, for an order condemning said property and for the appointment of commissioners to appraise said lands and to conduct condemnation proceedings relative thereto. ORD. #275 5-15-67

19-505. AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS AND EASEMENTS NECESSARY TO BE ACQUIRED FOR BRIDGE AND PUBLIC UTILITY PURPOSES. [This Ord. written as 19-504] ORD. # 329 9-3-68

19-506. AN ORDINANCE RELATING TO THE ACCEPTANCE OF A DEED FROM KROH BROS., INC. A MISSOURI CORPORATION CONVEYING TO THE CITY OF LEAWOOD, KANSAS, A TRACT OF GROUND TO BE USED FOR STREET PURPOSES. [103rd St. Terrace, off of State Line Road] ORD. # 400 S 6-21-71

19-507. AN ORDINANCE RELATING TO THE ACCEPTANCE OF A DEED FROM KROH BROS., INC., A MISSOURI CORPORATION, CONVEYING TO THE CITY OF LEAWOOD, KANSAS, PARTS OF LOTS 353 AND 191, LEAWOOD, A SUBDIVISION IN LEAWOOD, KANSAS, FOR STREET PURPOSES, AND REPEAL OF SECTIONS [Repeal of Ord. #401S] ORD. #404 S 7-6-71

19-508. AN ORDINANCE RELATING TO ACCEPTANCE OF DEEDS FROM VIC REGNIER BUILDERS AND RANCH MART, INC., KANSAS CORPORATIONS, CONVEYING TO THE CITY OF LEAWOOD, KANSAS, TRACTS OF GROUND TO BE USED FOR STREET PURPOSES. [Here follow legal descriptions of Tracts 1, 2, 3 and 4 to be known as 95th St. and Tract 5 as Mission Road] ORD. # 407 S 8-2-71

19-509. AN ORDINANCE RELATING TO ACCEPTANCE OF DEED FROM J. C. NICHOLS COMPANY, A MISSOURI CORPORATION, CONVEYING TO THE CITY OF LEAWOOD, KANSAS, PROPERTY IN VERONA GARDENS, A SUBDIVISION IN LEAWOOD, KANSAS, FOR STREET PURPOSES. Property description: All that part of the Northeast 1/4 of Section 22, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas, more particularly described as follows: The North 40.0 feet of said Northeast 1/4 except that part thereof heretofore dedicated as 119th Street. ORD. # 427 S 8-21-72

ARTICLE 5. DEDICATION AND VACATION OF STREETS

19-510. AN ORDINANCE RELATING TO ACCEPTANCE OF DEED FROM DANALD J. HALL, ALSO KNOWN AS DONALD JOYCE HALL AND ADELE M. HALL HIS WIFE, ELIZABETH ANN REID, ALSO KNOWN AS ELIZABETH HALL SCHAFFER, A SINGLE PERSON, AND BARBARA HALL MARSHALL AND ROBERT A. MARSHALL, HER HUSBAND, CONVEYING TO THE CITY OF LEAWOOD, KANSAS, PROPERTY IN VERONA GARDENS, A SUBDIVISION IN LEAWOOD, KANSAS, FOR STREET PURPOSES. (Legal description given) ORD. NO. 433S 3-19-73

19-511. AN ORDINANCE RELATING TO THE ACCEPTANCE OF A DEED FROM KROH BROS. DEVELOPMENT CO., INC., A MISSOURI CORPORATION CONVEYING TO THE CITY OF LEAWOOD, KANSAS, A TRACT OF GROUND TO BE USED FOR STREET PURPOSES. (Legal description given; 89th St.) ORD. NO. 447 12-3-73

19-512. INSPECTION. Acceptance and filing of said deed shall be subject to approval of the Acting City Engineer, who shall determine, through appropriate testing, whether or not the street surface and base is in conformance to any and all City codes regulating street design and construction. Should said street be found, after appropriate testing, to not meet the requirements of City codes, the City's acceptance of said deed shall be null and void, otherwise to remain in full force and effect. ORD. NO. 447 12-3-73

19-513. AN ORDINANCE PROVIDING FOR ACCEPTANCE OF DEED FROM PLANNED COMMUNITIES, INC., AND CAPITOL FUNDS, INC., DEDICATING CERTAIN PARCELS OF LAND FOR PUBLIC USE AS PUBLIC RIGHT OF WAY. (legal description given; 111th St.) ORD. NO. 504 10-20-75

19-514. AN ORDINANCE PROVIDING FOR ACCEPTANCE OF DEED FROM HUNTINGTON LAND CO., DEDICATING CERTAIN PARCELS OF LAND FOR PUBLIC USE AS PUBLIC RIGHT OF WAY. (Legal description given; Roe Blvd.) ORD. NO. 505 10-20-75

19-515. VACATION OF A PORTION OF 103RD ST. TERR. AND AUTHORIZATION OF DEED. The City of Leawood does hereby convey the property described in Attachment "A" to Kroh Bros. Development Company. ORD. NO. 530 12-6-76

19-516. INCORPORATION BY REFERENCE. A copy of said deed is attached hereto and incorporated by reference. ORD. NO. 530 12-6-76

19-517. VACATION OF A PORTION OF 103RD ST. TERR. AND AUTHORIZATION OF DEED. The City of Leawood does hereby convey the property described in Attachment "B" to Leawood Tennis Associates, a limited partnership. ORD. NO. 530 12-6-76

19-518. INCORPORATION BY REFERENCE. A copy of said deed is attached hereto and incorporated by reference. ORD. NO. 530 12-6-76

19-519. ACCEPTANCE OF DEED. The City of Leawood does hereby accept a deed from Leawood Tennis Associates, a limited partnership, conveying the property described in Attachment "C" for street purposes. ORD. 530 12-6-76

19-520. INCORPORATION BY REFERENCE. A copy of said deed is attached hereto and incorporated by reference. ORD. NO. 530 12-6-76

~~Add 561 #522 See next pg~~

ARTICLE 5. DEDICATION AND VACATION OF STREETS

19-521. **ACCEPTANCE OF DEED. The Governing Body of the City of Leawood, Kansas, does hereby accept from Unified School District No. 229, Johnson County, Kansas, a deed for land to be used for street purposes.**
ORD. NO. 561 12-5-77

19-522. **INCORPORATION BY REFERENCE. A copy of said deed is attached to the original of the ordinance and thereby incorporated by reference.**
ORD. NO. 561 12-5-77

19-522.1 SEE SECTION 19-624.

19-522.2 SEE SECTION 19-625.

19-523 SEE SECTION 19-630.1.

19-524. SEE SECTION 19-630.2.

19-525. SEE SECTION 19-630.3.

19-526. SEE SECTION 19-630.4.

19-527. SEE SECTION 19-632.1.

19-528. SEE SECTION 19-632.2.

19-529. SEE SECTION 19-632.3.

19-530. SEE SECTION 19-632.4.

ARTICLE 5. DEDICATION AND VACATION OF STREETS

19-531. ACCEPTANCE OF DEED FOR STREET PURPOSES FROM MERRY LEA HOMES ASSOC., INC. 140th Dr., 141st Dr., 142nd Dr. (legal description given)
ORD. NO. 615 11-20-78

19-532. INCORPORATION BY REFERENCE. A copy of said deed is attached to the original of the ordinance and thereby incorporated by reference.
ORD. NO. 615 11-20-78

19-533. AN ORDINANCE RELATING TO ACCEPTANCE OF A DEED FOR STREET PURPOSES FROM JOHN W. WARREN. Required for the College Blvd. and Roe Ave. intersection improvement (legal description given).
ORD. NO. 719 1-18-82

19-534. As a part of its acceptance of said tract, the grantee agrees as follows:

1. Said tract, and all remaining real property owned by John W. Warren adjoining said tract, shall be exempt from any special assessments arising from the construction or improvement of the intersection of College Boulevard and Roe Avenue. Such exemption is granted pursuant to the provisions of K.S.A. 12-692 et seq.
2. The grantor or its successors or assigns shall, in conjunction with the development of the above tract, comply with the grantee's subdivision regulations requiring that a developer shall pay the cost of one-half of a forty-one foot major collector street.

ORD. NO. 719 1-18-82

19-535. A copy of said deed is attached to the original ordinance and thereby incorporated by reference.
ORD. NO. 719 1-18-82

ARTICLE 5. DEDICATION AND VACATION OF STREETS

19-536. ACCEPTANCE OF A DEED FOR STREET PURPOSES FROM CENTRAL ESTATES, INC. (A tract of land 50 feet in width, across a part of Tract "I", LEAWOOD SOUTH, SECOND PLAT...legal description given). ORD. NO. 723 2-16-82

19-537. INCORPORATION BY REFERENCE. A copy of said deed is attached to the original ordinance and thereby incorporated by reference. ORD. NO. 723 2-16-82

19-538. ACCEPTANCE OF SIX (6) DEEDS FOR STREET PURPOSES IN LEAWOOD SOUTH SUBDIVISION. Condolea Drive, Condolea Terrace, Condolea Circle (legal descriptions given). ORD. NO. 724 2-16-82

19-539. INCORPORATION BY REFERENCE. Copies of said deeds are attached to the original ordinance and thereby incorporated by reference. ORD. NO. 724 2-16-82

19-540. ACCEPTANCE OF THREE (3) DEEDS FOR STREET PURPOSES FROM CAMBRIDGE TOWNHOUSE ASSOCIATION, INC. Cambridge Circle, Cambridge Court, Cambridge Terrace (legal descriptions given). ORD. NO. 726 2-16-82

19-541. INCORPORATION BY REFERENCE. Copies of said deeds are attached to the original ordinance and thereby incorporated by reference. ORD. NO. 726 2-16-82

19-542. ACCEPTANCE OF A DEED FOR STREET PURPOSES FROM MARSHALL AND BETTY CLARK LONG (north side of 111th Street, adjacent to the Long property, and immediately east of Longwood Forest; legal description given). ORD. NO. 743 5-17-82

19-543. A copy of said Deed is attached to the original ordinance and thereby incorporated by reference. ORD. NO. 743 5-17-82

19-544. ACCEPTANCE OF A DEED FOR STREET PURPOSES FROM RANCH MART, INC. (northeast corner, 95th and Mission Rd.; legal description given). ORD. NO. 750 7-19-82

19-545. INCORPORATION BY REFERENCE. A copy of said deed is attached to the original ordinance and thereby incorporated by reference. ORD. NO. 750 7-19-82

19-546. VACATION OF A PORTION OF 115TH STREET FOR LEAWOOD GREENWAY AND PARKS. ORD. NO. 758 11-15-82

add 19-547 & 548

CHAPTER XIX. PUBLIC PROPERTY

ARTICLE 5. DEDICATION AND VACATION OF STREETS

19-547. ACCEPTANCE OF A DEED FOR STREET PURPOSES FROM SAUL ELLIS & CO., INC. (Pembroke Lane, from 123rd St. southwesterly through Foxborough subdivision to Hunter's Ridge subdivision; legal description given).

19-548. INCORPORATION BY REFERENCE. A copy of said deed is attached to the original ordinance and thereby incorporated by reference.

ORD. NO. 761 12-6-82

Add 19-549 thru 552 →
553 + 554 + 555 + 556

ORDINANCE NO. 805

AN ORDINANCE RELATING TO ACCEPTANCE OF DEEDS FOR STREET PURPOSES FROM CAMBRIDGE TOWNHOUSE ASSOCIATION AND JOMO BUILDING COMPANY, INC.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-549. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept from Cambridge Townhouse Association and JOMO Building Company, Inc., deeds for land to be used for street purposes, the legal descriptions of which are as follows:

A strip of land over a part of Tract B, LEAWOOD SOUTH FIRST PLAT, a subdivision in the Northwest 1/4 of Section 26, Township 13, Range 25, located in the City of Leawood, Johnson County, Kansas, said strip of land being 40 feet in width lying 20 feet each side of the following described centerline: Beginning at a point on the West line of said Tract B, lying 143.70 feet North of the Southwest corner of said Tract B, as measured along said West line; thence North 87° 47' East, along a line 143 feet North of and parallel with the South line of said Tract B, a distance of 206.33 feet, to a point of curvature; thence Easterly, Northeasterly and Northerly along a curve to the left having a radius of 50 feet and a central angle of 90° 00' 18", a distance of 78.54 feet, to a point of tangency; thence North 2° 13' 18" West, along a line 152 feet West of and parallel with the East line of said Tract B, a distance of 40.61 feet, to a point of curvature; thence Northerly, Northwesterly and Westerly, along a curve to the left, having a radius of 50 feet and a central angle of 89° 53' 48", a distance of 78.45 feet, to a point of tangency; thence South 87° 52' 54" West, along a line 133 feet South of and parallel with the North line of said Tract B, a distance of 219.94 feet to the Point of Termination on the West line of said Tract B, lying 284.83 feet North of the Southwest corner of said Tract B, as measured along said West line, which lies in:

Parcel C-1, Area 1, Tract B, according to the Certificate of Survey filed in Volume 1861, Page 849, LEAWOOD SOUTH FIRST PLAT, a subdivision in the City of Leawood, Johnson County, Kansas.

and that part which lies in:

Parcel C-1, Area 2, Tract B, according to the Certificate of Survey filed in Volume 1903, Page 673, LEAWOOD SOUTH FIRST PLAT, a subdivision in the City of Leawood, Johnson County, Kansas.

AND

A strip of land over a part of Tract B, LEAWOOD SOUTH FIRST PLAT, a subdivision in the Northwest 1/4 of Section 26, Township 13, Range 25, located in the City of Leawood, Johnson County, Kansas, said strip of land being 40 feet in width lying 20 feet each side of the following described centerline: Beginning at a point on the West line of said Tract B, lying 143.70 feet North of the Southwest corner of said Tract B, as measured along said West line; thence North 87° 47' East, along a line 143 feet North of and parallel with the South line of said Tract B, a distance of 206.33 feet, to a point of curvature; thence Easterly, Northeasterly and Northerly along a curve to the left having a radius of 50 feet and a central angle of 90° 00' 18", a distance of 78.54 feet, to a point of tangency; thence North 2° 13' 18" West, along a line 152 feet West of and parallel with the East line of said Tract B, a distance of 40.61 feet, to a point of curvature; thence Northerly, Northwesterly and Westerly, along a curve to the left, having a radius of 50 feet and a central angle of 89° 53' 48", a distance of 78.45 feet, to a point of tangency; thence South 87° 52' 54" West, along a line 133 feet South of and parallel with the North line of said Tract B, a distance of 219.94 feet to the Point of Termination on the West line of said Tract B, lying 284.83 feet North of the Southwest corner of said Tract B, as measured along said West line, except that part thereof contained in:

Parcel C-1, Area 1, Tract B, according to the Certificate of Survey filed in Volume 1861, Page 849, LEAWOOD SOUTH FIRST PLAT, a subdivision in the City of Leawood, Johnson County, Kansas.

and except that part contained in:

Parcel C-1, Area 2, Tract B, according to the Certificate of Survey filed in Volume 1903, Page 673, LEAWOOD SOUTH FIRST PLAT, a subdivision in the City of Leawood, Johnson County, Kansas.

(both tracts of land for Cambridge Lane)

19-550. INCORPORATION BY REFERENCE. Section 2. Copies of said deeds are attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 3/26/84 Second Reading: 4/2/84

Passed by the Governing Body this 2nd day of April, 1984.

Approved by the Mayor this 2nd day of April, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ORDINANCE NO. 808

AN ORDINANCE RELATING TO ACCEPTANCE OF DEEDS FOR STREET PURPOSES RELATIVE TO THE 127TH STREET IMPROVEMENT DISTRICT 83-1.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-551. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept deeds for land to be used for street purposes relative to the 127th Street Improvement District 83-1, the legal descriptions of which are as follows:

All of the South 30 feet of the West 350 feet of the SE1/4 of the SE1/4 of Section 21, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes. (north side of 127th St. from approximately 980' W.to 1330' W.of Mission Rd.)

All of the South 30 feet of the SE1/4 of the SE1/4 of Section 21, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, except the West 350 feet thereof and except the East 660 feet thereof, all subject to that part thereof dedicated for street purposes. (north side of 127th St., from approximately 660' W.to 980' W.of Mission Rd.)

All of the North 30 feet of the NE1/4 of the NE1/4 of Section 28, and all of the East 30 feet of the North 140 feet of the NE1/4 of the NE1/4 of said Section 28, all in Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes. (south side of 127th St. from Mission Rd. to approximately 1330' W.& the west side of Mission Rd. from 127th St. to approximately 140' south.)

All of the South 30 feet of the SW1/4 of the SE1/4 of Section 21, and all of the West 60 feet of the South 168 feet of the SW1/4 of the SE1/4 of said Section 21, all in Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes. (north side of 127th St. from Roe Ave. to approximately 1330' E. & east side of Roe Ave. from 127th St. to approximately 170' north.)

All of the West 30 feet of the North 140 feet of the NW1/4 of the NW1/4 of Section 27, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes. (east side of Mission Rd. at 127th St.)

All of the South 30 feet of the East 660 feet of the SE1/4 of the SE1/4 of Section 21, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes. (north side of 127th St. from Mission Rd. to approximately 660' W.)

All that part of the NW1/4 of the NE1/4 of Section 28, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeast corner of the NW 1/4 of the NE1/4 of said Section 28; thence Southerly, along the East line of the NW1/4 of the NE1/4 of said Section 28, to a point 30 feet South of the North line thereof; thence Westerly, along a line 30 feet South of and parallel to the North line of the NW1/4 of the NE1/4 of said Section 28, to the Northeast corner of Lot 1, Block 2, THE WOODLANDS, a subdivision of land now in the City of Leawood, Johnson County, Kansas; thence Northerly, along a line perpendicular to the North line of the NW1/4 of the NE1/4 of said Section 28, a distance of 30 feet, to a point on the North line thereof; thence Easterly, along the North line of the NW1/4 of the NE1/4 of said Section 28, to the point of beginning, all subject to that part thereof dedicated for street purposes. (south side of 127th St. from approximately 710' E. to 1325' E. of Roe Ave.)

19-552. INCORPORATION BY REFERENCE. Section 2. Copies of said deeds are attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 3/26/84 Second Reading: 4/2/84

Passed by the Governing Body this 2nd day of April, 1984.

Approved by the Mayor this 2nd day of April, 1984.

(S E A L)

Kent E. Crippin Mayor

ORDINANCE NO. 824

AN ORDINANCE RELATING TO ACCEPTANCE OF DEEDS FOR STREET PURPOSES RELATIVE TO THE ROE AVENUE IMPROVEMENT DISTRICT 83-2.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-553. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept deeds for land to be used for street purposes relative to the Roe Avenue Improvement District 83-2, the legal descriptions of which are as follows:

All of the East 40 feet of the NW1/4 of Section 33, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes.

All of the West 40 feet of the N1/2 of the NE1/4 of Section 33, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes.

All of the West 40 feet of the SW1/4 of the NE1/4 of Section 33, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes.

(Roe Ave., 135th St. south for 1/2 mile)

19-554. INCORPORATION BY REFERENCE. Section 2. Copies of said deeds are attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 8/20/84 Second Reading: 9/4/84

Passed by the Governing Body this 4th day of September, 1984.

Approved by the Mayor this 4th day of September, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

ORDINANCE NO. 828

AN ORDINANCE RELATING TO ACCEPTANCE OF A DEED FOR STREET AND STREET RIGHT-OF-WAY PURPOSES FROM JOHN H. MOFFITT, JR. AND MARY LYNN MOFFITT.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-555. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept from John H. Moffitt, Jr., and Mary Lynn Moffitt, a deed for land to be used for street and street right-of-way purposes, the legal description of which is as follows:

> Beginning at the NW corner of the NE 1/4 of the NW 1/4 of Sec. 27, Township 13, Range 25, in Johnson County, Kansas; thence in a southerly direction on a bearing of N 2° 02' 04" W. a distance of 1148.74' to a point; thence due west a distance of 2' to a point; thence northerly along a line parallel to the previous bearing a distance of 1148.74'; thence due west a distance of 2' to the point of beginning. Said tract containing .053 acres, more or less.
>
> (Leawood South 7th plat)

19-556. INCORPORATION BY REFERENCE. Section 2. A copy of said Deed is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/8/84 Second Reading: 10/15/84

Passed by the Governing Body this 15th day of October, 1984.

Approved by the Mayor this 15th day of October, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

ARTICLE 6. DEDICATION AND VACATION OF EASEMENTS AND RIGHTS OF WAY

19-601. AN ORDINANCE RELATING TO RELEASE OF PART OF THE UTILITY EASEMENT ON LOT 95, LEAWOOD, A SUBDIVISION IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS. The City of Leawood, Kansas, does hereby release all of the current thirty-foot utility easement which presently exists along the rear lot lines on Lot 95, Leawood, a subdivision in the City of Leawood, Johnson County, Kansas, according to the recorded plat thereof except a ten-foot utility easement across the rear of said lot measured at right angles to the rear property lines.
ORD. # 243 10-18-65

19-602. [See 19-504] ORD. # 275 5-15-67

19-603. [See 19-505] ORD. # 329 9-3-68

19-604. AN ORDINANCE VACATING AN EASEMENT AND RIGHT OF WAY RESERVED FOR THE RIGHT TO USE WATER FROM A WATER CONSERVATION RESERVOIR NOW IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS. That portion of an easement or right of way over a strip of land ten feet in width off of the West side of the North 1/2 of the Northeast 1/4 of Section 22, Township 13, Range 25, Johnson County, Kansas, extending from a dam site to the public road by a distance of approximately 1,000 feet in Johnson County, Kansas, same having heretofore been granted by documents filed in Book 21 Miscellaneous at Page 522 et seq., and Book 21 Miscellaneous at Page 528 et seq., granting the right to the public to have access over said tract to a reservoir or well and granting the public ingress and egress over said right of way for the purpose of utilizing the reservoir and to take water from the reservoir for domestic and other purposes and to carry water from the premises if in the opinion of the Board of County Commissioners of Johnson County, Kansas, a drought exists, is hereby vacated and shall revert pursuant to K. S. A. 14-423.

The City Clerk shall file a certified true and correct copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas, to note the fact of the passage of this ordinance. ORD. # 356 9-2-69

19-605. AN ORDINANCE VACATING EASEMENT AND RIGHT OF WAY RESERVED FOR THE RIGHT TO USE WATER FROM THE WATER CONSERVATION RESERVOIR NOW IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS. That portion of an easement or right of way over a strip of land ten feet in width off of the East side of the North 1/2 of the Northwest Quarter of Section 22, Township 13, Range 25, which extends from a proposed dam site to the public road, a distance of approximately one thousand feet, in Johnson County, Kansas, same having been heretofore granted by documents filed of record in the Register of Deeds office, in Johnson County, Kansas, in Book 21 of Misc., at page 524 et seq., granting the right to the public to have access over said tract to a reservoir or well and [continued same as above, 19-604]
ORD. # 388 S 11-2-70

19-606. AN ORDINANCE RELATING TO RELEASE OF UTILITY EASEMENT IN LEAWOOD SOUTH, A SUBDIVISION IN LEAWOOD, JOHNSON COUNTY, KANSAS. [Legal description]
ORD. # 428 S 8-21-72

~~19-607, 608; See following page~~

ARTICLE 6. DEDICATION AND VACATION OF EASEMENTS AND RIGHTS OF WAY

19-607 AN ORDINANCE RELATING TO ACCEPTANCE OF AN EASEMENT FOR UTILITY PURPOSES FROM THE J. C. NICHOLS COMPANY. The Governing Body of the City of Leawood, Kansas, does hereby accept a Utility Easement from J. C. Nichols Company, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors or assigns, an easement or right of way to enter upon, locate, construct, and maintain or to authorize the location, construction, maintenance and use of conduits for all and any purpose, water, gas, and sewer mains, ducts and cables, or all or any of them, over, under, across and along the following described land, to wit:

> All that part of Lots 15, 16, 17 and 18, Block 3 Verona Gardens, a subdivision of land in the City of Leawood, Kansas, more particularly described as follows:
>
> An additional 2.5 feet of rear line utility easement said additional easement being 2.5 feet in width, southerly of, parallel and adjoining the new existing platted 5.0 foot utility easement, and extending across the rear of said lots 15, 16, 17 and 18. ORD. NO. 455 6-17-74

19-608 INCORPORATION BY REFERENCE. A copy of said easement as attached hereto is hereby incorporated into this ordinance by reference. ORD. NO. 455 6-17-74

19-609 AN ORDINANCE RELATING TO ACCEPTANCE OF AN EASEMENT FOR SEWER PURPOSES FROM THE LEAWOOD BUILDING COMPANY. (Lots 42 and 43, The Cloisters; legal description given.) ORD. NO. 475 12-16-74

19-610 INCORPORATION BY REFERENCE. A copy of said easement is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 475 12-16-74

19-611 AN ORDINANCE RELATING TO ACCEPTANCE OF AN EASEMENT FOR UTILITY PURPOSES FROM THOMAS AND ANNA JAY. The Governing Body of the City of Leawood, Kansas does hereby accept a utility easement from Thomas G. and Anna Jeanette Jay, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors or assigns a right of way to construct, maintain, alter, repair, replace, such channels, conduits and appurtenances necessary to facilitate the surface drainage, together with the right of ingress and egress, over and through the following premises, in the County of Johnson in the State of Kansas, to-wit:

> All that part of a 10-foot-wide strip of land lying within Lot 6, Mark Lane, a subdivision of land in the City of Leawood, Johnson County, Kansas, the centerline of said strip of land being more particularly described as follows: Beginning at a point on the South line of said Lot 6, 10.00 feet East of the Southwest corner of said Lot 6 as measured along said South line; thence Northeasterly 118.68 feet to a point of termina-

tion on the North line of said Lot 6, 42.70 feet East of the Northwest corner of said Lot 6 as measured along said North line.

ORD. NO. 498 9-15-75

19-612. AN ORDINANCE APPROVING DEDICATION OF EASEMENT FOR SEWER PURPOSES. APPROVAL OF EASEMENT. The City of Leawood, Kansas does hereby approve the attached easement. (To Kansas City, Missouri, in Leawood Park.)

ORD. NO. 502 10-6-75

19-613. AUTHORIZATION. The Mayor is hereby authorized to approve and execute the attached easement on behalf of the Governing Body of the City of Leawood, Kansas. ORD. NO. 502 10-6-75

19-614. The Governing Body of the City of Leawood, Kansas does hereby accept a Right-of-Way Grant from Kroh Brothers Development Co., M.A.R. Financial Services Co., Leawood Country Club, Inc., and Leawood Country Club Liquor Pool Association, more fully described in Attachment "A". (San. Sew. "easement") ORD. NO. 525 11-1-76

19-615. INCORPORATION BY REFERENCE. A copy of said Grant is attached hereto and incorporated by reference. ORD. NO. 525 11-1-76

19-616. AN ORDINANCE APPROVING GRANTING OF AN EASEMENT FOR UTILITY PURPOSES. APPROVAL OF EASEMENT. The City of Leawood, Kansas does hereby approve an easement for utility lines to the Kansas City Power and Light Company, on property as herein described:

A tract of land ten (10) feet in width the center line of which is described as follows: Beginning on the Easterly right of way line of Mission Road, as now established, at a point that is twenty-six and five tenths (26.5) feet North of the South line of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section 22, Township 13, Range 25, Johnson County, Kansas, thence East and parallel with said South line a distance of eighty-three (83) feet.

ORD. NO. 535 1-3-77

19-617. The Mayor is hereby authorized to approve and execute the attached easement on behalf of the Governing Body of the City of Leawood, Kansas.

ORD. NO. 535 1-3-77

19-618. AN ORDINANCE RELATING TO ACCEPTANCE OF AN EASEMENT FOR SEWER PURPOSES FROM G.A.L. CORPORATION. (Parts of Lots 4,5, and 6, Ensley Court subdivision; legal descriptions given). ORD. NO. 546 6-20-77

19-619. INCORPORATION BY REFERENCE. A copy of said easement is attached to the original of the ordinance and thereby incorporated by reference.

ORD. NO. 546 6-20-77

~~19-620 + 621 Sewer~~

~~19-622 + 623~~

~~19-624 + 625~~

~~19-626~~

~~19-627 - 628~~

ARTICLE 6. DEDICATION AND VACATION OF EASEMENTS AND RIGHTS OF WAY

19-620. AN ORDINANCE VACATING AN EASEMENT AND RIGHT-OF-WAY RESERVED FOR THE RIGHT TO USE WATER FROM A WATER CONSERVATION RESERVOIR NOW IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS. That easement or right-of-way over a strip of land in the Northeast corner of the Southeast 1/2 of South 1/2 of Northwest 1/4 of Section 22, Township 13, Range 25, and a strip of land in the Northwest corner of Southwest 1/4 of South 1/2 of Northeast 1/4 of Section 22, Township 13, Range 25, in Johnson County, Kansas, same having heretofore been granted by documents filed in Book 21 Miscellaneous at Page 526, granting the right to the public to have access over said tract to a reservoir or well and granting the public ingress and egress over said right-of-way for the purpose of utilizing the reservoir and to take water from the reservoir for domestic and other purposes and to carry water from the premises if in the opinion of the Board of County Commissioners of Johnson County, Kansas, a drought exists, is hereby vacated.

ORD. NO. 555 10-17-77

19-621. The City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

ORD. NO. 555 10-17-77

19-622. ACCEPTANCE OF FOUR EASEMENTS FOR SEWER PURPOSES. The Governing Body of the City of Leawood, Kansas, does hereby accept four easements from Edward O. Bopp and H. Earlene Bopp, husband and wife, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors or assigns, easements or rights of way to enter upon, locate, construct and maintain or to authorize the location, construction and maintenance of sewer mains, over, under, across and along the following described land, located in the County of Johnson, State of Kansas, to-wit: (Here follow four legal descriptions, all in LEAWOOD MEADOWS.)

ORD. NO. 557 11-21-77

19-623. INCORPORATION BY REFERENCE. Copies of the four (4) said easements are attached to the original of this ordinance and thereby incorporated by reference.

ORD. NO. 557 11-21-77

19-624 ACCEPTANCE OF RIGHT-OF-WAY GRANT FOR STREET PURPOSES. The Governing Body of the City of Leawood, Kansas, does hereby accept a Street Right-of-Way Grant from Central Estates, Inc., more fully described in Attachment "A".

ORD. NO. 562 12-5-77

19-625. INCORPORATION BY REFERENCE. A copy of said Grant is attached hereto and invorporated by reference.

ORD. NO. 562 12-5-77

19-626. RELEASE OF TWO (2)UTILITY EASEMENTS IN LEAWOOD SOUTH. (Legal descriptions given.)

ORD. NO. 567 12-19-77

19-627. VACATING EASEMENT AS SHOWN ON ORIGINAL PLAT OF ENSLEY COURT. That easement or right-of-way granted in the original plat of Ensley Court, approved by the City Council October 20, 1976, and executed by G.A.L. Corporation January 20, 1977, which easement or right-of-way G.A.L. Corporation now desires to cancel, release, and annul (legal description) is hereby vacated.

ORD. NO. 568 1-3-78

ARTICLE 6. DEDICATION AND VACATION OF EASEMENTS AND RIGHTS OF WAY

19-628. The City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas. ORD. NO. 568 1-3-78

19-629. ACCEPTANCE OF EASEMENTS FOR STORM SEWER PURPOSES FROM SOUTHGATE BANK & TRUST CO., TRUSTEE OF IMPERIAL TRUST. Oxford Hills, Second Plat, Parts of Lots 87, 109, 110 (legal description given). ORD. NO. 586 6-5-78

19-630. INCORPORATION BY REFERENCE. A copy of said easements are attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 586 6-5-78

19-630.1. ACCEPTANCE OF RIGHT-OF-WAY GRANT FOR STREET PURPOSES FROM CAPITOL FUNDS, INC. 123rd Street (legal description given). ORD. NO. 594 7-17-78

19-630.2. INCORPORATION BY REFERENCE. A copy of said Right-of-Way Grant is attached to the original ordinance and thereby incorporated by reference. ORD. NO. 594 7-17-78

19-630.3. ACCEPTANCE OF RIGHT-OF-WAY GRANT FOR STREET PURPOSES FROM JAMES C. GARLAND, et al. 119th Street and Mission Road (legal description given). ORD. NO. 595 7-17-78

19-630.4. INCORPORATION BY REFERENCE. A copy of said Right-of-Way Grant is attached to the original ordinance and thereby incorporated by reference. ORD. NO. 595 7-17-78

ARTICLE 6. DEDICATION AND VACATION OF EASEMENTS AND RIGHTS OF WAY

19-631. ACCEPTANCE OF EASEMENT FOR STORM SEWER PURPOSES FROM HUNTER'S RIDGE, INC. 123rd and State Line (legal description given).
ORD. NO. 596 7-17-78

19-632. INCORPORATION BY REFERENCE. A copy of said easement is attached to the original of the ordinance and thereby incorporated by reference.
ORD. NO. 596 7-17-78

19-632.1. ACCEPTANCE OF RIGHT-OF-WAY GRANT FOR STREET PURPOSES FROM L & N PROPERTIES AND COLONIAL SAVINGS & LOAN ASSOCIATION 123rd Street (legal description given).
ORD. NO. 602 8-21-78

19-632.2. INCORPORATION BY REFERENCE. A copy of said Right-of-Way Grant is attached to the original ordinance and thereby incorporated by reference.
ORD. NO. 602 8-21-78

19-632.3. ACCEPTANCE OF RIGHT-OF-WAY GRANT FOR STREET PURPOSES FROM JOHN H. MOFFITT. 119th and Mission Road (legal description given).
ORD. NO. 608 10-16-78

19-632.4. INCORPORATION BY REFERENCE. A copy of said Right-of-Way Grant is attached to the original ordinance and thereby incorporated by reference.
ORD. NO: 608 10-16-78

19-633. ACCEPTANCE OF EASEMENT FOR STORM SEWER PURPOSES FROM THE HALL FAMILY. North side of 119th Street (legal description given).
ORD. NO. 614 11-20-78

19-634. INCORPORATION BY REFERENCE. A copy of said easement is attached to the original of the ordinance and thereby incorporated by reference.
ORD. NO. 614 11-20-78

ARTICLE 6. DEDICATION AND VACATION OF EASEMENTS AND RIGHTS OF WAY

19-635. ACCEPTANCE OF TWO EASEMENTS FOR SEWER PURPOSES FROM KROH BROTHERS DEVELOPMENT COMPANY. The Governing Body of the City of Leawood, Kansas does hereby accept two easements from Kroh Brothers Development Company, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors or assigns, easements or rights of way to enter upon, locate, construct and maintain or to authorize the location, construction and maintenance of sewer mains, over, under, across and along the following described land, located in the County of Johnson, State of Kansas, to serve the Leawood Office Park, located at 89th and State Line Road - West side (legal description given).

ORD. NO. 620 12-18-78

19-636. INCORPORATION BY REFERENCE. Copies of the two (2) said easements are attached to the original of this ordinance and thereby incorporated by reference.

ORD. NO. 620 12-18-78

19-637. ACCEPTANCE OF A ROADWAY EASEMENT FROM CAPITOL FUNDS, INC. 123rd Street, Hunter's Ridge, 1st Plat West to Leawood South (legal description given). ORD. NO. 623 1-2-79

19-638. INCORPORATION BY REFERENCE. A copy of said Roadway Easement is attached to the original ordinance and thereby incorporated by reference. ORD. NO. 623 1-2-79

19-639. ACCEPTANCE OF A ROADWAY EASEMENT FROM HUNTER'S RIDGE, INC. 123rd Street, Hunter's Ridge, 1st Plat West to Leawood South (legal description given). ORD. NO. 624 1-2-79

19-640. INCORPORATION BY REFERENCE. A copy of said Roadway Easement is attached to the original ordinance and thereby incorporated by reference. ORD. NO. 624 1-2-79

19-641. ACCEPTANCE OF RIGHT-OF-WAY GRANT FOR STREET PURPOSES FROM JOSEPH LEE AND DIANE F. MILLER. 14420 Mission Rd. (legal description given). ORD. NO. 637 7-2-79

19-642. INCORPORATION BY REFERENCE. A copy of said Right-of-Way Grant is attached to the original ordinance and thereby incorporated by reference. ORD. NO. 637 7-2-79

19-643. VACATING EASEMENT FOR STREET PURPOSES. That easement granted to the City of Leawood by Kansas Warranty Deed, executed by Ward Parkway Shops, Inc. May 12, 1971, and accepted by the City Council June 21, 1971 by Ordinance No. 400S (legal description given - 103rd St. Terr.) is hereby vacated.

ORD. NO. 641 7-16-79

19-644. The City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas. ORD. NO. 641 7-16-79

~~Add 19-645 thru 19-648~~

ARTICLE 6. DEDICATION AND VACATION OF EASEMENTS AND RIGHTS OF WAY

19-645. ACCEPTANCE OF A DRAINAGE EASEMENT FOR STORM SEWER PURPOSES FROM PAUL EUGENE AND BARBARA ANN WUELLNER. Mission Road project, 109th Street to 111th Street; Longwood Forest Plat (legal description given). ORD. NO. 647 9-17-79

19-646. INCORPORATION BY REFERENCE. A copy of said Easement is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 647 9-17-79

19-647. ACCEPTANCE OF A DRAINAGE EASEMENT FOR STORM SEWER PURPOSES FROM TOM MASTERSON, INC. Mission Road project, 109th Street to 111th Street; Longwood Forest Plat (legal description given). ORD. NO. 648 9-17-79

19-648. INCORPORATION BY REFERENCE. A copy of said Easement is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 648 9-17-79

19-649. ACCEPTANCE OF A DRAINAGE EASEMENT FOR STORM SEWER PURPOSES FROM ANDREW-LEVY, LTD. Mission Road project, 109th Street to 111th Street; Longwood Forest Plat (legal description given). ORD. NO. 649 9-17-79

19-650. INCORPORATION BY REFERENCE. A copy of said Easement is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 649 9-17-79

19-651. ACCEPTANCE OF A RIGHT-OF-WAY GRANT FOR STREET PURPOSES FROM LEAWOOD CORPORATE MANOR I, LTD. West side of Roe Ave. from 111th Street to 112th Street (legal description given). ORD. NO. 650 9-17-79

19-652. INCORPORATION BY REFERENCE. A copy of said Right-of-Way Grant is attached to the original ordinance and thereby incorporated by reference. ORD. NO. 650 9-17-79

19-653. ACCEPTANCE OF AN EASEMENT FOR UTILITY PURPOSES FROM DONALD D. ALPERT. Mission Road improvement; Benefit District 79-1; Kings Forest Plat (legal description given). ORD. NO. 651 9-17-79

19-654. INCORPORATION BY REFERENCE. A copy of said Easement is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 651 9-17-79

ARTICLE 6. DEDICATION AND VACATION OF EASEMENTS AND RIGHTS OF WAY

19-655. ACCEPTANCE OF EASEMENT FOR UTILITY PURPOSES FROM DONALD D. ALPERT. Mission Road improvement; Benefit District 79-1 (legal description given). ORD. NO. 652 9-17-79

19-656. INCORPORATION BY REFERENCE. A copy of said Easement is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 652 9-17-79

19-657. ACCEPTANCE OF AN EASEMENT FOR UTILITY PURPOSES FROM CENTRAL ESTATES, INC. Mission Road improvement; Benefit District 79-1; Leawood South, Sixth Plat (legal description given). ORD. NO. 653 9-17-79

19-658. INCORPORATION BY REFERENCE. A copy of said Easement is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 653 9-17-79

19-659. ACCEPTANCE OF A RIGHT-OF-WAY GRANT FOR STREET PURPOSES FROM DONALD D. ALPERT. Mission Road improvement; Benefit District 79-1; Kings Forest Plat (legal description given). ORD. NO. 654 9-17-79

19-660. INCORPORATION BY REFERENCE. A copy of said Right-of-Way Grant is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 654 9-17-79

19-661. ACCEPTANCE OF A RIGHT-OF-WAY GRANT FOR STREET PURPOSES FROM DONALD D. ALPERT. Mission Road improvement; Benefit District 79-1 (legal description given). ORD. NO. 655 9-17-79

19-662. INCORPORATION BY REFERENCE. A copy of said Right-of-Way Grant is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 655 9-17-79

19-663. ACCEPTANCE OF A RIGHT-OF-WAY GRANT FOR STREET PURPOSES FROM CENTRAL ESTATES, INC. Mission Road improvement; Benefit District 79-1 (legal description given). ORD. NO. 656 9-17-79

19-664. INCORPORATION BY REFERENCE. A copy of said Right-of-Way Grant is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 656 9-17-79

19-665. ACCEPTANCE OF A RIGHT-OF-WAY GRANT FOR STREET PURPOSES FROM TOMAHAWK CREEK SEWER SUB-DISTRICT NO. 1. 123rd Street improvement; Benefit District 79-1 (legal description given). ORD. NO. 657 9-17-79

ARTICLE 6. DEDICATION AND VACATION OF EASEMENTS AND RIGHTS OF WAY

19-666. INCORPORATION BY REFERENCE. A copy of said Right-of-Way Grant is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 657 9-17-79

19-667. DEDICATION OF RIGHT-OF-WAY BY GOVERNING BODY UNTO ITSELF FOR STREET PURPOSES. Mission Road improvement; Benefit District 79-1; Fire Station No. 2 (legal description given). ORD. NO. 658 9-17-79

19-668. INCORPORATION BY REFERENCE. A copy of Right-of-Way Grant is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 658 9-17-79

19-669. ACCEPTANCE OF A RIGHT-OF-WAY GRANT FOR STREET PURPOSES FROM WILLIAM M. AND GERALDINE SMARR. 4319 W. 143rd St. (legal description given). ORD. NO. 662 11-5-79

19-670. INCORPORATION BY REFERENCE. A copy of said Right-of-Way Grant is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 662 11-5-79

19-671. ACCEPTANCE OF A ROADWAY EASEMENT FOR STREET PURPOSES FROM PLANNED COMMUNITIES, INC. AND CAPITOL FUNDS, INC. 113th Terr. and Roe Ave.; Brittany Court Replat (legal description given). ORD. NO. 660 11-5-79

19-672. INCORPORATION BY REFERENCE. A copy of said Roadway Easement is attached to the original ordinance and thereby incorporated by reference. ORD. NO. 660 11-5-79

19-673. GRANTING OF AN EASEMENT TO AMERICAN CABLEVISION OF KANSAS CITY, INC., FOR C.A.T.V. PURPOSES (along State Line Road; legal description given). ORD. NO. 672 5-5-80

19-674. INCORPORATION BY REFERENCE. A copy of said easement is attached to the original ordinance and thereby incorporated by reference. ORD. NO. 672 5-5-80

19-675. ACCEPTANCE OF A ROADWAY EASEMENT FOR STREET PURPOSES FROM DORSET MANOR SUBDIVISION. 10300 block of Howe Lane (legal description given). ORD. NO. 677 8-18-80

19-676. INCORPORATION BY REFERENCE. A copy of said Roadway Easement is attached to the original ordinance and thereby incorporated by reference. ORD. NO. 677 8-18-80

ARTICLE 6. DEDICATION AND VACATION OF EASEMENTS AND RIGHTS OF WAY

19-677. ACCEPTANCE OF AN EASEMENT FOR STORM SEWER PURPOSES FROM REGENCY CONSTRUCTION & LAND CORP. 5202 & 5204 W. 112th St.; Leawood Country Manor, Third Plat (legal description given). ORD. NO. 678 10-6-80

19-678. INCORPORATION BY REFERENCE. A copy of said Drainage Easement is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 678 10-6-80

19-679. ACCEPTANCE OF A RIGHT-OF-WAY GRANT FOR STREET PURPOSES FROM 89 STATE LINE CO. Southwest corner of 89th Street and State Line Road (legal description given). ORD. NO. 679 10-6-80

19-680. INCORPORATION BY REFERENCE. A copy of said Right-of-Way Grant is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 679 10-6-80

19-681. ACCEPTANCE OF A RIGHT-OF-WAY GRANT FOR STREET PURPOSES FROM KROH BROTHERS DEVELOPMENT CO. Northwest corner of 89th Street and State Line Road (legal description given). ORD. NO. 684 11-3-80

19-682. INCORPORATION BY REFERENCE. A copy of said Right-of-Way Grant is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 684 11-3-80

19-683. REPLACED BY SECTION 19-536.

19-684. REPLACED BY SECTION 19-537.

19-685. ACCEPTANCE OF A RIGHT-OF-WAY GRANT FOR STREET PURPOSES FROM LARRY MINKOFF AND SUSAN MINKOFF. 4900 W. 143rd St. (legal description given). ORD. NO. 693 5-4-81

19-686. INCORPORATION BY REFERENCE. A copy of said Right-of-Way Grant is attached to the original ordinance and thereby incorporated by reference. ORD. NO. 693 5-4-81

19-687. ACCEPTANCE OF A RIGHT-OF-WAY GRANT FOR STREET PURPOSES FROM JAMES L. KILROY III AND LINDA J. KILROY. 5000 W. 143rd St. (legal description given). ORD. NO. 701 6-1-81

19-688. INCORPORATION BY REFERENCE. A copy of said Right-of-Way Grant is attached to the original ordinance and thereby incorporated by reference. ORD. NO. 701 6-1-81

ARTICLE 6. DEDICATION AND VACATION OF EASEMENTS AND RIGHTS OF WAY

19-689. GRANTING OF AN EASEMENT FOR UTILITY PURPOSES TO KANSAS CITY POWER AND LIGHT CO. Parts of Lots 116 and 118, LEAWOOD ESTATES (legal description given). ORD. NO. 703 7-6-81

19-690. INCORPORATION BY REFERENCE. A copy of said easement is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 703 7-6-81

19-691. ACCEPTANCE OF PERMANENT SANITARY SEWER EASEMENTS REQUIRED FOR THE RENOVATION OF THE LEAWOOD SEWER SYSTEM. (Easements listed; legal descriptions given.) ORD. NO. 708 7-20-81

19-692. Copies of said Easements are attached hereto and thereby incorporated by reference. ORD. NO. 708 7-20-81

19-693. AUTHORIZING THE CONDEMNATION OF CERTAIN TEMPORARY AND PERMANENT SANITARY SEWER EASEMENTS. (Required for the renovation of the Leawood Sewer System; legal descriptions given; part of Lot 21, 98th PLACE, Overland Park, Ks.) ORD. NO. 711 8-3-81

19-694. ACCEPTANCE OF PERMANENT SANITARY SEWER EASEMENTS REQUIRED FOR THE RENOVATION OF THE LEAWOOD SEWER SYSTEM. (Easements listed; legal descriptions given.) ORD. NO. 713 10-19-81

19-695. Copies of said Easements are attached hereto and thereby incorporated by reference. ORD. NO. 713 10-19-81

19-696. ACCEPTANCE OF PERMANENT SANITARY SEWER EASEMENT REQUIRED FOR THE RENOVATION OF THE LEAWOOD SEWER SYSTEM.(Easement LL 35-P from Russell J. and Loretta K. Pennavaria; legal description given.) ORD. NO. 717 12-21-81

19-697. A copy of said Easement is attached hereto and thereby incorporated by reference. ORD. NO. 717 12-21-81

19-698. ACCEPTANCE OF AN EASEMENT FOR STORM DRAINAGE PURPOSES FROM THE TRAVELERS INSURANCE CO. 111th & Roe (legal description given). ORD. NO. 721 2-1-82

19-699. INCORPORATION BY REFERENCE. A copy of said Permanent Drainage Easement is attached to the original of the ordinance and thereby incorporated by reference. ORD. NO. 721 2-1-82

ARTICLE 6. DEDICATION AND VACATION OF EASEMENTS AND RIGHTS OF WAY

19-6,100. ACCEPTANCE OF FOUR (4) EASEMENTS FOR STORM DRAINAGE PURPOSES FROM LEAWOOD SOUTH TOWNHOUSE ASSOCIATION, INC. AND CAMBRIDGE TOWNHOUSE ASSOCIATION, INC. Northerly side of Condolea Drive and west of Condolea Terrace, northwest corner Condolea Drive and Overbrook Road, southerly side of the intersection of Condolea Drive and Condolea Terrace, east side of cul-de-sac on Cambridge Terrace (legal descriptions given).
ORD. NO. 725 2-16-82

19-6,101. INCORPORATION BY REFERENCE. Copies of said Easements are attached to the original ordinance and thereby incorporated by reference.
ORD. NO. 725 2-16-82

19-6,102. ACCEPTANCE OF TWO (2) PERMANENT SANITARY SEWER EASEMENTS REQUIRED FOR THE RENOVATION OF THE LEAWOOD SEWER SYSTEM. From William C. and Elizabeth G. Parks (Lot 787 LEAWOOD subdivision) and James B. and Mary Ann Hansen (Lot 943 LEAWOOD subdivision). ORD. NO. 735 3-15-82

19-6,103. Copies of said Easements are attached hereto and thereby incorporated by reference. ORD. NO. 735 3-15-82

19-6,104. ACCEPTANCE OF AN EASEMENT FOR STORM DRAINAGE PURPOSES FROM SAUL ELLIS & CO., INC. On Pembroke Lane, Foxborough subdivision (legal description given).

19-6,105. INCORPORATION BY REFERENCE. A copy of said Permanent Drainage Easement is attached to the original ordinance and thereby incorporated by reference. ORD. NO. 760 12-6-82

19-6,106. GRANTING OF AN EASEMENT FOR SANITARY SEWER PURPOSES TO THE CITY OF KANSAS CITY, MISSOURI. For the relocation of the proposed Kansas City, Missouri Indian Creek Interceptor Main through the Leawood Park (legal description given).

19-6,107. INCORPORATION BY REFERENCE. A copy of said easement is attached hereto and thereby incorporated by reference.
ORD. NO. 762 12-6-82

19-6,108. GRANTING OF AN EASEMENT FOR UTILITY PURPOSES TO THE KANSAS CITY POWER & LIGHT CO. Across a portion of Leawood Fountain Plaza (legal description given).

19-6,109. INCORPORATION BY REFERENCE. A copy of said easement is attached hereto and thereby incorporated by reference.
ORD. NO. 765 1-3-83

ARTICLE 6. DEDICATION AND VACATION OF EASEMENTS AND RIGHTS OF WAY

19-6,110. GRANTING AN EASEMENT UNTO ITSELF FOR SANITARY SEWER PURPOSES. At Public Works facility, 2008 W. 104th St. (legal description given).

19-6,111. INCORPORATION BY REFERENCE. A copy of said easement is attached hereto and thereby incorporated by reference.
ORD. NO. 766 2-7-83

19-6,112. ACCEPTANCE OF THREE (3) PERMANENT SANITARY SEWER EASEMENTS. Meadow View subdivision, Prairie Village, 7800 Block of Howe Dr. (legal description given).

19-6,113. Copies of said Easements are attached hereto and thereby incorporated by reference.
ORD. NO. 769 2-22-83

19-6,114. GRANTING AN EASEMENT TO KANSAS CITY, MISSOURI, FOR SANITARY SEWER PURPOSES. Across Indian Creek opposite the Public Works facility for K.C., Mo. Indian Creek Interceptor, Section 3 (legal description given).

19-6,115. INCORPORATION BY REFERENCE. A copy of said easement is attached hereto and thereby incorporated by reference.
ORD. NO. 770 2-22-83

Add 19-6,116 thru ~~6,119~~ →
~~6,125~~
~~6,127~~
~~6,130~~
6,132
6,133
6,134
6,135
6,136

ORDINANCE NO. 795

AN ORDINANCE RELATING TO ACCEPTANCE OF AN EASEMENT FOR STORM DRAINAGE PURPOSES FROM COMMUNITY FEDERAL SAVINGS AND LOAN ASSOCIATION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,116. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a Utility Easement from Community Federal Savings and Loan Association, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors and assigns, an easement to lay, construct, maintain, alter, repair, replace and operate a storm sewer, together with the right of ingress and egress over and through the following premises in the County of Johnson, State of Kansas, to-wit:

> Part of Lot 57 of Berkshire, a subdivision in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the S.E. corner of said Lot 57; thence Westerly and along the South line of said Lot 57 a distance of 35.00 feet to a point; thence Northeasterly to a point on the East line of said Lot 57, said point being 75.00 feet North of the S.E. corner of said Lot 57; thence Southerly and along the Easterly line of said Lot 57 a distance of 75.00 feet to the point of beginning.

19-6,117. INCORPORATION BY REFERENCE. Section 2. A copy of said Utility Easement is attached to the original ordinance and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/19/83 Second Reading: 1/3/84

Passed by the Governing Body this 3rd day of January, 1984.

Approved by the Mayor this 3rd day of January, 1984.

(S E A L)

Kent E. Chipoin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

ORDINANCE NO. 796

AN ORDINANCE GRANTING A RIGHT-OF-WAY FOR SANITARY SEWER PURPOSES.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,118. Section 1. The City of Leawood, Kansas, does hereby grant unto Johnson County Wastewater District, its successors and assigns, a Right-of-Way to lay, construct, maintain, alter, repair, replace and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through the following premises in the County of Johnson, State of Kansas, to-wit:

25 foot wide sanitary sewer easements, the centerlines being described as follows: Beginning at the Northwest corner of Lot 27 of Berkshire Second Plat, a subdivision in the City of Leawood, Johnson County, Kansas; thence North 70° 16' 10" West a distance of 20.00 feet to the end of said easement. AND Beginning at the most Easterly corner of Lot 19 of Berkshire Second Plat, a subdivision in the City of Leawood, Johnson County, Kansas; thence North 23° 44' 33" West along the East line of Lot 21 of said Berkshire Second Plat a distance of 45.00 feet to the True Point of Beginning; thence North 73° 24' 08" East a distance of 35.00 feet to the point of termination. AND Beginning at the most Northerly corner of Lot 38 of Berkshire First Plat, a subdivision in the City of Leawood, Johnson County, Kansas; thence North 14° 00' 00" East along the Westerly line of Lot 31 of Berkshire Second Plat, a subdivision in the City of Leawood, Johnson County, Kansas, a distance of 12.00 feet to the True Point of Beginning; thence North 19° 14' 47" West a distance of 18.00 feet to a point; thence North 19° 23' 07" West a distance of 40.00 feet to the point of termination. AND Beginning at the Northeast corner of Lot 8 of Berkshire Second Plat, a subdivision in the City of Leawood, Johnson County, Kansas; thence South 87° 39' 39" West along the North line of said Lot 8 a distance of 65.00 feet to the True Point of Beginning; thence North 21° 40' East a distance of 55 feet to a point in the South line of Lot 1 of King's Forest, a subdivision in the City of Leawood, Johnson County, Kansas, said point being the point of termination. AND Beginning at the Northwest corner of Lot 37 of Berkshire First Plat, a subdivision in the City of Leawood, Johnson County, Kansas; thence North 46° 52' 55" West a distance of 90.00 feet to the point of termination.

(at various locations across Tomahawk Greenway, south of 119th St., and adjacent to Berkshire subdivision)

19-6,119. INCORPORATION BY REFERENCE. Section 2. A copy of said Right-of-Way Grant is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/19/83 Second Reading: 1/3/84

Passed by the Governing Body this 3rd day of January, 1984.

Approved by the Mayor this 3rd day of January, 1984.

(S E A L)

Kent E. Crippin, Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

ORDINANCE NO. 806

AN ORDINANCE RELATING TO ACCEPTANCE OF AN EASEMENT FOR STORM DRAINAGE PURPOSES FROM JOMO BUILDING COMPANY, INC., AND CAMBRIDGE TOWNHOUSE ASSOCIATION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,120. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a Permanent Drainage Easement from JOMO Building Company, Inc., and Cambridge Townhouse Association, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors or assigns, easement or right-of-way to enter upon, locate, construct and maintain or to authorize the location, construction and maintenance of sewer mains, over, under, across and along the following described land, located in the County of Johnson, State of Kansas, to-wit:

> A strip of land over a part of Tract B, Leawood South First Plat, a subdivision in the NW 1/4 of Section 26, Township 13, Range 25, located in the City of Leawood, Johnson County, Kansas, said strip of land being 15 feet in width lying 7.5 feet each side of the following described centerline: Commencing at a point on the West line of said Tract B, lying 143.70 feet North of the Southwest corner of said Tract B, as measured along said West line; thence North 87° 47' East, along a line 143 feet North of and parallel with the South line of said Tract B, a distance of 206.33 feet, to a point of curvature; thence Easterly and Northeasterly along a curve to the left having a radius of 50 feet and a central angle of 65° 58' 54", a distance of 57.58 feet; thence South 66° 03' 30" East, a distance of 20.01 feet, to the Point of Beginning of subject easement; thence South 56° 39' 28" East, along said centerline a distance of 158.4 feet, to a Point of Termination on the East line of said Tract B (West right of way line of State Line Road, as now established). Subject to all easements now of record.
>
> (Cambridge Lane)

19-6,121. INCORPORATION BY REFERENCE. Section 2. A copy of said Permanent Drainage Easement is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 3/26/84 Second Reading: 4/2/84

Passed by the Governing Body this 2nd day of April, 1984.

Approved by the Mayor this 2nd day of April, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ORDINANCE NO. 807

AN ORDINANCE RELATING TO ACCEPTANCE OF FOUR EASEMENTS FOR STORM DRAINAGE PURPOSES RELATIVE TO THE 127TH STREET IMPROVEMENT DISTRICT 83-1.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,122. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept four Permanent Drainage Easements, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors and assigns, a Right-of-Way to construct, maintain, alter, repair and replace drainage facilities and all appurtenances convenient or required, together with the right of ingress and egress over and through the following premises in the City of Leawood, Johnson County, Kansas, to wit:

A tract of land 30 feet in width, across a part of the SE1/4 of the SE1/4 of Section 21, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, lying 15 feet on each side of the following described centerlines: Commencing at the Southwest corner of the SE1/4 of the SE1/4 of said Section 21; thence N 87° 49' 20" E, along the South line of the SE1/4 of the SE1/4 of said Section 21, a distance of 104.42 feet; thence N 2° 10' 40" W, a distance of 30 feet, to the true point of beginning of subject tract; thence continuing N 2° 10' 40" W, a distance of 13.45 feet; thence N 44°46' 01" W, a distance of 22.18 feet, to a point of curvature; thence Northwesterly, along a curve to the right, having a radius of 90 feet and a central angle of 34° 23' 29", a distance of 54.02 feet, to a point of reverse curvature; thence Northwesterly, along a curve to the left, having a radius of 90 feet, a central angle of 8° 39' 52", and whose initial tangent bearing is N 10° 22' 32" W, a distance of 13.61 feet, to a Point "A"; thence continuing on a curve bearing to the left, having a radius of 90 feet, a central angle of 58° 14' 16", and whose initial tangent bearing is N 19° 02' 24" W, a distance of 91.48 feet to a point on the West line of the SE1/4 of the SE1/4 of said Section 21...and also...Beginning at said Point "A"; thence N 70° 57' 36" E, a distance of 25 feet. (north side of 127th St. approximately 1395' E. of Roe.)

A tract of land 15 feet in width, across a part of the NE1/4 of the NE1/4 of Section 28, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, lying 7.50 feet on each side of the following described centerline: Beginning at a point on the North line of the NE 1/4 of said Section 28 and 1430.93 feet East of the Northwest corner thereof, as measured along said North line; thence Southerly, along a line perpendicular to the North line of the NE1/4 of said Section 28, a distance of 30 feet,

to the true point of beginning of subject tract; thence continuing Southerly, along an extension of the last described course, a distance of 45 feet... and also...A tract of land 15 feet in width, across a part of the NE1/4 of the NE1/4 of said Section 28, lying 7.50 feet on each side of the following described centerline: Commencing at the Northeast corner of the NE1/4 of said Section 28; thence S 87° 49' 20" W, along the North line of the NE1/4 of said Section 28, a distance of 442.33 feet; thence S 62° 12' 43" E, a distance of 60.06 feet, to a point 30 feet South of the North line of the NE1/4 of said Section 28, said point also being the true point of beginning of subject tract; thence continuing S 62° 12' 43" E, a distance of 40 feet. (south side of 127th St. approximately 380' W. of Mission Rd.)

All that part of the SW1/4 of the SE1/4 of Section 21, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Southeast corner of the SW1/4 of the SE1/4 of said Section 21; thence N 1° 58' 18" W, along the East line of the SW1/4 of the SE1/4 of said Section 21, a distance of 166.38 feet, to the true point of beginning of subject tract; thence continuing N 1° 58' 18" W, along the East line of the SW1/4 of the SE1/4 of said Section 21, a distance of 31.12 feet; thence N 77° 16' 40" W, a distance of 7.59 feet; thence S 12° 43' 20" W, a distance of 30 feet; thence S 77° 16' 40" E, a distance of 11.52 feet, to a point of curvature; thence Southeasterly, along a curve to the right, having a radius of 75 feet and a central angle of 3° 01' 38", a distance of 3.96 feet, to the true point of beginning of subject tract. (approximately 185' N. of 127th St. & approximately 1330' E. of Roe Ave.)

All of the North 35 feet of the South 65 feet of the West 35 feet of the East 730 feet of the SE1/4 of the SE1/4 of Section 21, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas. (north side of 127th St. approximately 710' W. of Mission Rd.)

19-6,123. INCORPORATION BY REFERENCE. Section 2. Copies of said Easements are attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 3/26/84 Second Reading: 4/2/84

Passed by the Governing Body this 2nd day of April, 1984.

Approved by the Mayor this 2nd day of April, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ORDINANCE NO. 809

AN ORDINANCE RELATING TO ACCEPTANCE OF TWO ROADWAY EASEMENTS FOR STREET PURPOSES RELATIVE TO THE 127TH STREET IMPROVEMENT DISTRICT 83-1.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,124. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept two Roadway Easements, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors and assigns, a permanent easement to construct, maintain, alter, repair, replace, a public road and sidewalk, utilities and all appurtenances convenient for said public road, together with the right of ingress and egress, over and through the following premises in the County of Johnson in the State of Kansas, to-wit:

> All that part of the SE1/4 of the SW1/4 of Section 21, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southeast corner of the SE 1/4 of the SW1/4 of said Section 21; thence Westerly, along the South line of the SE1/4 of the SW1/4 of said Section 21, to a point 70 feet West of the East line thereof; thence Northerly, along a line 70 feet West of and parallel to the East line of the SE1/4 of the SW1/4 of said Section 21, to a point 20 feet North of the South line thereof; thence Northeasterly, to a point 30 feet North of the South line and 30 feet West of the East line of the SE1/4 of the SW1/4 of said Section 21; thence Easterly, along a line 30 feet North of and parallel to the South line of the SE1/4 of the SW1/4 of said Section 21, to a point on the East line thereof; thence Southerly, along the East line of the SE1/4 of the SW1/4 of said Section 21, to the point of beginning, all subject to that part thereof dedicated for street purposes. (N.W. corner of 127th & Roe.)
>
> All that part of the NE1/4 of the NW1/4 of Section 28, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeast corner of the NE 1/4 of the NW1/4 of said Section 28; thence Westerly, along the North line of the NE1/4 of the NW1/4 of said Section 28, to a point 70 feet West of the East line thereof; thence Southerly, along a line parallel to the Easterly line of the NE1/4 of the NW1/4 of said Section 28, to a point 20 feet South of the North line thereof; thence Southeasterly, to a point 30 feet South of the North line and 30 feet West of the East line of the NE 1/4 of the NW1/4 of said Section 28; thence Easterly, along a line 30 feet South of and parallel to the North

line of the NE1/4 of the NW1/4 of said Section 28, to a point on the East line thereof; thence Northerly, along the East line of the NE1/4 of the NW1/4 of said Section 28, to the point of beginning, all subject to that part thereof dedicated for street purposes. (S.W. corner of 127th & Roe.)

19-6,125. INCORPORATION BY REFERENCE. Section 2. Copies of said Easements are attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 3/26/84 Second Reading: 4/2/84

Passed by the Governing Body this 2nd day of April, 1984.

Approved by the Mayor this 2nd day of April, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ORDINANCE NO. 810

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE SECOND PLAT OF BERKSHIRE.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,126. Section 1. That 15-foot wide utility easement as platted on Lot 23, Berkshire, Second Plat, as approved by the City Council May 2, 1983, which easement the developer Bodine/Ashner Builders, Inc., now desires to cancel, release and annul, and which is described as follows:

> Beginning at a point on the Southerly line of said Lot 23, said point being 93.08 feet southeasterly from the southwesterly corner of said Lot 23; thence northeasterly along a line to a point on the northly line of said Lot 23, said point being 250 feet southeasterly from the northwest corner of said Lot 23

is hereby vacated.

19-6,127. Section 2. The City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/2/84 Second Reading: 4/16/84

Passed by the Governing Body this 16th day of April, 1984.

Approved by the Mayor this 16th day of April, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ORDINANCE NO. 814

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE PLAT OF TOMAHAWK FARMS.

WHEREAS, there was reserved unto the City of Leawood, Kansas, a general utility easement described as the North 15 feet of the East 300 feet of Lot 4, TOMAHAWK FARMS, a subdivision of land now in the City of Leawood, Johnson County, Kansas, which utility easement is shown on the recorded plat of said subdivision; and

WHEREAS, the City of Leawood has determined said utility easement is not in its entirety necessary or in the best interest of the City; and

WHEREAS, all utilities which would have otherwise had access to said tract have disclaimed any interest that they have in the above described property;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

19-6,128. Section 1. The City of Leawood does hereby disclaim any interest in that certain utility easement shown on the plat of Tomahawk Farms subdivision, City of Leawood, and specifically described as the North 15 feet of the East 300 feet of Lot 4, Tomahawk Farms, a subdivision of land now in the City of Leawood, Johnson County, Kansas.

19-6,129. Section 2. The Mayor of the City of Leawood is hereby authorized to execute such quit claim deed or other form of release necessary to acknowledge the vacating of said utility easement.

19-6,130. Section 3. The City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

TAKE EFFECT. Section 4. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 5/21/84 Second Reading: 6/4/84

Passed by the Governing Body this 4th day of June, 1984.

Approved by the Mayor this 4th day of June, 1984.

(S E A L)

Kent E. Crippin Mayor

ORDINANCE NO. 823

AN ORDINANCE RELATING TO ACCEPTANCE OF EASEMENTS FOR UTILITY AND GRADING PURPOSES RELATIVE TO THE ROE AVENUE IMPROVEMENT DISTRICT 83-2.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,131. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept 3 Permanent Utility and Grading Easements, for roadway grading for construction and for the location of public utilities, over and through the following described real estate, to-wit:

All of the West 55 feet of the SW1/4 of the NE1/4 of Section 33, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes.

All of the West 55 feet of the N1/2 of the NE1/4 of Section 33, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes.

All of the East 55 feet of the NW1/4 of Section 33, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes.

(Roe Ave., 135th St. south for 1/2 mile)

19-6,132. INCORPORATION BY REFERENCE. Section 2. Copies of said Easements are attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 8/20/84 Second Reading: 9/4/84

Passed by the Governing Body this 4th day of September, 1984.

Approved by the Mayor this 4th day of September, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

B. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

ORDINANCE NO. 838

AN ORDINANCE RELATING TO ACCEPTANCE OF TWO ROADWAY EASEMENTS FOR STREET PURPOSES RELATIVE TO THE 127TH STREET IMPROVEMENT DISTRICT 84-1, SECTION 1, ROE TO JUNIPER.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,133. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept two Roadway Easements, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors and assigns, permanent easements to construct, maintain, alter, repair, replace, a public road and sidewalk, utilities and all appurtenances convenient for said public road, together with the right of ingress and egress, over and through the following premises in the County of Johnson, in the State of Kansas, to-wit:

All that part of the NW1/4 of Section 28, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeast corner of the NW1/4 of said Section 28; thence S 2° 04' 35" E, along the East line of the NW1/4 of Said Section 28, a distance of 170 feet; thence S 87° 55' 25" W, along a line perpendicular to the East line of the NW1/4 of said Section 28, a distance of 60 feet; thence N 2° 04' 35" W, a distance of 139.93 feet; thence S 87° 51' 24" W, a distance of 4.32 feet, to a point of curvature; thence Westerly and Southwesterly, along a curve to the left, having a radius of 270 feet and a central angle of 15° 33' 49", a distance of 73.34 feet, to a point of reverse curvature; thence Southwesterly and Westerly, along a curve to the right, having a radius of 330 feet, a central angle of 15° 33' 49", and whose initial tangent bearing is S 72° 17' 35" W, a distance of 89.64 feet, to a point of tangency, said point also being 52 feet South of the North line of the NW1/4 of said Section 28; thence S 87° 51' 24" W, along a line 52 feet South of and parallel to the North line of the NW1/4 of said Section 28, a distance of 479.93 feet, to a point of curvature; thence Westerly and Northwesterly, along a curve to the right, having a radius of 330 feet and a central angle of 10° 28' 31", a distance of 60.33 feet, to a point of reverse curvature; thence Northwesterly and Westerly, along a curve to the left, having a radius of 270 feet, a central angle of 10° 28' 31", and whose initial tangent bearing is N 81° 40' 05" W, a distance of 49.36 feet, to a point of tangency, said point also being 42 feet South of the North line of the NW1/4 of said Section 28; thence S 87° 51' 24" W, along a line 42 feet South of and parallel to the North line of the NW1/4 of said Section 28, a distance of 430.60 feet, to a point of curvature; thence Westerly and Northwesterly, along a curve to the right, having a radius of 330 feet and a central angle of 11° 28' 42", a distance of 66.11 feet, to a point of reverse curvature; thence Northwesterly and Westerly, along a curve to the left, having a radius of 270 feet, a central angle of 11° 28' 42", and whose initial tangent bearing is N 80° 39' 54" W, a distance of 54.09 feet, to a point of tangency, said point also being 30 feet South of the North line of the

NW1/4 of said Section 28; thence S 87° 51' 24" W, along a line 20 feet South of and parallel to the North line of the NW1/4 of said Section 28, a distance of 439.82 feet; thence N 2° 08' 36" W, a distance of 30 feet, to a point on the North line of the NW1/4 of said Section 28; thence N 87° 51' 24" E, along the North line of the NW1/4 of said Section 28, a distance of 1804.18 feet, to the point of beginning, all subject to that part thereof dedicated for street purposes.

All that part of the SW1/4 of Section 21, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southeast corner of the SW1/4 of said Section 21; thence S 87° 51' 24" W, along the South line of the SW1/4 of said Section 21, a distance of 144.98 feet; thence N 2° 08' 36" W, along a line perpendicular to the South line of the SW1/4 of said Section 21, a distance of 20 feet; thence Northeasterly and Easterly, along a curve to the right, having a radius of 330 feet, a central angle of 14° 08' 28", and whose initial tangent bearing is N 73° 42' 56" E, a distance of 81.45 feet, to a point of tangency; thence N 87° 51' 24" E, a distance of 4.38 feet, to a point 60 feet West of the East line of the SW1/4 of said Section 21; thence N 2° 06' 32" W, along a line 60 feet West of and parallel to the East line of the SW1/4 of said Section 21, a distance of 140.04 feet; thence N 87° 53' 28" E, along a line perpendicular to the East line of the SW1/4 of said Section 21, a distance of 60 feet, to a point on the East line thereof; thence S 2° 06' 32" E, along the East line of the SW1/4 of said Section 21, a distance of 170 feet, to the point of beginning...and also... Commencing at the Southeast corner of the SW1/4 of said Section 21; thence S 87° 51' 24" W, along the South line of the SW1/4 of said Section 21, a distance of 1277.76 feet, to the true point of beginning of subject tract; thence continuing S 87° 51' 24" W, along the South line of the SW1/4 of said Section 21, a distance of 526.41 feet; thence N 2° 08' 36" W, along a line perpendicular to the South line of the SW1/4 of said Section 21, a distance of 30 feet; thence N 87° 51' 24" E, along a line 30 feet North of and parallel to the South line of the SW1/4 of said Section 21, a distance of 439.82 feet, to a point of curvature; thence Easterly and Southeasterly, along a curve to the right, having a radius of 330 feet and a central angle of 11° 28' 42", a distance of 66.11 feet, to a point of reverse curvature; thence Southeasterly, along a curve to the left, having a radius of 270 feet, a central angle of 4° 30' 01", and whose initial tangent bearing is S 80° 39' 54" E, a distance of 21.21 feet, to a point

20 feet North of the South line of the SW1/4 of said Section 21; thence S 2° 08' 36" E, along a line perpendicular to the South line of the SW1/4 of said Section 21, a distance of 20 feet, to the true point of beginning of subject tract, all subject to that part thereof dedicated for street purposes.

19-6,134. INCORPORATION BY REFERENCE. Section 2. Copies of said Easements are attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 11/19/84 Second Reading: 12/3/84

Passed by the Governing Body this 3rd day of December, 1984.

Approved by the Mayor this 3rd day of December, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ORDINANCE NO. 840

AN ORDINANCE RELATING TO ACCEPTANCE OF 2 EASEMENTS FOR DRAINAGE PURPOSES RELATIVE TO THE 127TH STREET IMPROVEMENT DISTRICT 84-1, SECTION 1, ROE TO JUNIPER.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,135. Section 1. The Governing Body of the City of Leawood, Kansas does hereby accept 2 Permanent Drainage Easements, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors and assigns, permanent easements to construct, maintain, alter, repair and replace drainage facilities and all appurtenances convenient or required, together with the right of ingress and egress over and through the following premises in the City of Leawood, Johnson County, Kansas, to-wit:

> All of the West 35 feet of the East 395 feet of the North 82 feet of the NW1/4 of Section 28, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes
>
> and
>
> All of the West 35 feet of the East 395 feet of the South 38 feet of the SW1/4 of Section 21, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes.

19-6,136. INCORPORATION BY REFERENCE. Section 2. Copies of said easements are attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/3/84 Second Reading: 12/17/84

Passed by the Governing Body this 17th day of December, 1984.

Approved by the Mayor this 17th day of December, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

XX - STREET & HIWY
IMPROVEMENT

CHAPTER XX. STREET AND HIGHWAY IMPROVEMENT

ARTICLE 1. STREETS AND HIGHWAYS

(These ordinances are not given in their entirety, but only in summary form.)

20-101. AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF WIDENING, SURFACING, GUTTERING AND DRAINING OF 103RD STREET BETWEEN THE WESTERN CITY LIMITS ON THE SOUTH SIDE OF 103RD STREET TO STATE LINE ROAD IN THE CITY OF LEAWOOD, KANSAS. [Total cost of improvement: $24,421.60; 20% assessed against the improvement district and 80% paid by the City.]

ORD. # 161 4-8-60

20-102. AN ORDINANCE PROVIDING FOR THE WIDENING, SURFACING, GUTTERING AND DRAINING OF 103RD STREET BETWEEN THE WESTERN CITY LIMITS ON THE SOUTH SIDE OF 103RD STREET TO STATE LINE ROAD IN THE CITY OF LEAWOOD, KANSAS AND PROVIDING FOR THE ISSUANCE OF $24,421.60 IN TEMPORARY NOTES BY THE CITY OF LEAWOOD, KANSAS, TO PAY THE COST THEREOF. ORD. # 162 4-8-60

20-103. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF LEAWOOD, KANSAS, A CITY OF THE SECOND CLASS, AT A SPECIAL BOND ELECTION TO BE HELD ON THE 18TH DAY OF JULY, 1961, OF THE QUESTION OF THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF LEAWOOD, KANSAS, IN THE PRINCIPAL SUM OF SEVEN HUNDRED TWENTY-EIGHT THOUSAND DOLLARS ($728,000.00) FOR THE PURPOSE OF IMPROVING OR REIMPROVING A PORTION OF THE MAIN TRAFFICWAYS IN THE CITY OF LEAWOOD, KANSAS, AND DIRECTING THE GOVERNING BODY OF SAID CITY TO ISSUE A NOTICE OF SUCH ELECTION AND TO CAUSE THE SAME TO BE PUBLISHED IN THE OFFICIAL CITY PAPER IN THE MANNER PROVIDED BY LAW AND DIRECTING THE CITY CLERK TO ISSUE A NOTICE CONCERNING THE HOURS OF REGISTRATION AND THE CLOSING OF THE REGISTRATION BOOKS AND DIRECTING THE PUBLICATION THEREOF IN THE OFFICIAL CITY PAPER IN THE MANNER PROVIDED BY LAW. [Streets to be improved: The south 1/2 of Somerset Drive, from the west line of Lot 973, Leawood, easterly to Lee Blvd;
83rd St., from the west city limits east to Lee Blvd.;
89th St., from Mission Rd. to the east line of Lot 380, Leawood;
the north 1/2 of 95th St., from a point 825 ft. east of Mission Rd., east to the west line of Lot 811, Leawood; thence both sides of 95th St., east to State Line;
103rd St., from Mission Rd. east 2640 ft;
Lee Blvd. from 103rd St., north to Somerset Drive.

Description of improvements also includes some sidewalks (See Chapter XX, Article 2)] ORD. # 188 6-9-61

20-104. AN ORDINANCE RELATING TO BENEFITS OBTAINABLE BY CITIES UNDER THE PROGRAM FOR FEDERAL AND STATE AID ON HIGHWAY CONSTRUCTION. The Mayor and City Clerk are hereby authorized and directed to execute for and on behalf of the City of Leawood, Kansas, Supplemental No. 2 to Agreement No. 14-59 between the City and the State Highway Commission of Kansas, granting the State Highway Commission of Kansas authority to act for the city, and in its place and stead, to obtain for the city such benefits as are obtainable under the program of the Federal and State Aid Plan of Highway Construction, and obtain the benefits of such legislation for the city on the terms and conditions set forth in such agreement as may be prepared and approved by the State Highway Commission for the improvements of Interstate 435, designated as a city connecting link on the State Highway System and known as Project No. 435-46 I-435-3(-)226 Part III.

ORD. # 258 1-17-66

~~20-105 thru 20-112 See preceding 2 pgs.~~
~~20-113 " 20-117 " " pages.~~
~~following~~

CHAPTER XX. STREET AND HIGHWAY IMPROVEMENT

ARTICLE 1. STREETS AND HIGHWAYS

20-105. AN ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE FOLLOWING MAIN TRAFFICWAYS WITHIN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, TO WIT: MISSION ROAD, 135TH STREET TO 151ST STREET; 103RD STREET, LEE BOULEVARD TO STATE LINE; 123RD STREET, STATE LINE TO CHEROKEE; AND LEE BOULEVARD, 83RD STREET TO 103RD STREET. That Mission Road from 135th Street to 151st Street be improved by sub-base preparation and by application of a double asphaltic surface treatment. Ord. #456 6-17-74

20-106. IMPROVEMENT. That 103rd Street from Lee Boulevard to State Line be improved by the application of a one inch asphaltic concrete overlay. Ord. #456 6-17-74

20-107. IMPROVEMENT. That 123rd Street from State Line to Cherokee be improved by sub-base preparation and by the application of a double asphaltic surface treatment. Ord. #456 6-17-74

20-108. IMPROVEMENT. That Lee Boulevard, from 83rd Street to 103rd Street be improved by applying a one inch asphaltic concrete overlay. Ord. #456 6-17-74

20-109. FUNDING. That the City's cost of constructing said street improvements shall be by the issuance of general improvement bonds of the City of Leawood, Kansas, as provided by law, and that the cost of improvement be temporarily financed, if necessary, through the issuance of temporary notes as provided by law. Ord. #456 6-17-74

20-110. ENGINEERING ESTIMATE. That the City's Consulting Engineers, Shafer, Kline & Warren, shall file detailed plans and specifications for the construction of said street improvements, and shall submit the same to the Governing Body for their approval, and shall file, according to law, their engineer's estimate of the cost and expense of constructing said improvements and shall submit the same to the Governing Body of the City of Leawood, Kansas. Ord. #456 6-17-74

20-111. ADVERTISEMENT FOR BIDS. That the City Clerk, or her representative, shall advertise for bids for furnishing of the material and labor to be used in the construction of said improvements, and shall fix the time within which bids shall be received and said advertisement shall notify the bidders that the City shall reserve the right to reject any and all bids. Ord. #456 6-17-74

20-112. CONTRACT. The Governing Body, or its representative, shall, after the bids have been received and filed, open and consider the same or may let the contract for the construction of said street improvements or any part thereof, to the lowest responsible bidder and may reject any

and all bids. That upon acceptance of any bid, the bidder or contractor to whom the contract shall be awarded, shall enter into a written agreement with the City, or its representative, for the construction of said street improvements, or any part thereof, and shall execute a bond with satisfactory surety thereon, conditioned for the faithful performance of said contract, and a bond indemnifying and saving the City harmless because of any injury to persons or property caused by the negligence of the contractor, his agents or servants, or because of any infringement of any patent or process, and all of the work shall be done under the supervision of the City's Consulting Engineers, Shafer, Kline & Warren, and subject to that firm's approval before final acceptance. ORD. #456 6-17-74

20-113. AN ORDINANCE AUTHORIZING THE PROVIDING FOR THE ISSUANCE OF A TEMPORARY NOTE IN THE SUM OF NINETY THOUSAND DOLLARS ($90,000.00) OF THE CITY OF LEAWOOD, KANSAS, TO PROVIDE TEMPORARY FINANCING OF THE IMPROVEMENT OF 123RD STREET FROM STATE LINE TO CHEROKEE, AND MISSION ROAD FROM 135TH STREET TO 151ST STREET BY APPLICATION OF THE DOUBLE ASPHALTIC SURFACE TREATMENT, AND FOR THE IMPROVEMENT OF 103RD STREET FROM LEE BOULEVARD TO STATE LINE AND LEE BOULEVARD FROM 83RD STREET TO 103RD STREET, BY APPLYING A ONE INCH ASPHALTIC CONCRETE OVERLAY, THE COST OF WHICH IMPROVEMENTS WILL BE PAID BY THE ISSUANCE OF IMPROVEMENT BONDS OF THE CITY OF LEAWOOD, KANSAS. That for the purpose of paying the costs of making the improvements described and referred to in the title and preamble of this ordinance, including the payment of necessary engineering, incidental and legal costs thereto, there should be issued a temporary note from the City of Leawood, Kansas, in the total amount of NINETY THOUSAND DOLLARS ($90,000.00), which amount does not exceed the total estimated cost of said improvements. Said note shall be numbered ST74-1, and shall bear interest at the rate of 5.75% per annum, payable semi-annually, and shall mature two (2) years from August 5, 1974 and shall be callable in advance of maturity and shall be redeemed and cancelled before or at the time bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 1973 Supp. 10-123, K.S.A. 12-685 to 12-690 inclusive, and any amendments thereto. Ord. #458 8-5-74

20-114. EXECUTION AND PAYMENT. Said note shall be in the form and executed as provided by law, both principal and interest shall be paid at the office of the City Clerk of Leawood, Kansas. ORD. #458 8-5-74

20-115. AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A ONE HUNDRED THOUSAND DOLLAR ($100,000.00) TEMPORARY NOTE OF THE CITY OF LEAWOOD, KANSAS TO PAY THE COSTS OF CONSTRUCTION OF IMPROVEMENTS TO 111TH STREET BETWEEN NALL AVENUE AND ROE AMENUE WITHIN THE CITY OF LEAWOOD, KANSAS. That for the purpose of paying the accrued and accruing costs for

the construction and improvement of 111th Street as described in the preamble of this ordinance, there shall be issued and the same is hereby authorized, a temporary note of the City of Leawood, Kansas, in the amount of ONE HUNDRED THOUSAND DOLLARS ($100,000.00) for the payment of the estimated costs and expenses of said improvement. ORD. #460 8-19-74

20-116 INTEREST. This temporary note shall be numbered ST 74-2 and shall bear interest at the rate of 5.75% per annum and the improvement for the payment of which this note is issued, shall be clearly and specifically set forth. The interest on said note shall be payable semi-annually and shall mature two (2) years from August 19, 1974 and shall be callable for payment in advance of maturity in a manner hereinafter specified in the form of the note, and shall be redeemable, and cancelled before or at the time bonds are issued in lieu thereof. The same temporary note shall contain recitals, and shall be in the form and of the size as provided by the statutes of the State of Kansas. ORD. #460 8-19-74

20-117 SALE. The Mayor and City Clerk of the City of Leawood, Kansas are hereby directed, authorized and empowered to prepare and execute the note described in this ordinance and to do all things necessary for its execution, and to sell and deliver the same at private sale, at par and accrued interest, according to law, to the lawful purchaser thereof upon receipt of the purchase price, and apply the proceeds of such sale to the payment of the actual costs and expenses of the street improvement described in the preamble of this ordinance. ORD. #460 8-19-74

20-118 It has heretofore been found and declared necessary and advisable under the provisions of K.S.A. 12-685 through 12-689 inclusive, and all acts amendatory and supplemental thereto, by the City's Resolutions No. 313, 314, 315 and 316 heretofore passed and properly published, and for the purpose of providing funds to pay for the costs of said project certified to be in the sum of $77,000.00, there shall be and there are hereby issued general obligation bonds Series ST 74-1 of the City of Leawood, Johnson County, Kansas, in the aggregate amount of $77,000.00, which issue shall consist of one bond in the amount of $2,000.00 and fifteen bonds in the amount of $5,000.00 each, numbered from one to sixteen, both inclusive, dated November 1, 1974, bearing interest at the rate of 5.50 percent per annum, payable semi-annually on the 1st day of March and of September of each year, commencing March 1, 1976, as follows:

Nos.	Denomination	Total	Maturity
1	$2,000.00	$ 2,000.00	March 1, 1976
2-4	$5,000.00	$15,000.00	March 1, 1976
5-7	$5,000.00	$15,000.00	March 1, 1977
8-10	$5,000.00	$15,000.00	March 1, 1978
11-13	$5,000.00	$15,000.00	March 1, 1979
14-16	$5,000.00	$15,000.00	March 1, 1980

ORD. #469 10-21-74

20-119 Said bonds and coupons shall contain recitals and be in the form and of the size as provided by the Statutes of the State of Kansas. ORD. #469 10-21-74

20-120. That said bonds shall be signed by the Mayor and attested by the Clerk of said City and shall have the corporate seal of the City affixed thereto, and the interest coupons shall be signed with the facsimile signatures of said Mayor and City Clerk, and both payment and interest shall be payable at the Offices of the State Treasurer of the State of Kansas, in the City of Topeka, Kansas. ORD. NO. 469 10-21-74

20-121. The Mayor and City Clerk are hereby authorized to prepare and execute said bonds and coupons, and when so executed, said bonds shall be registered as required by law, and the Governing Body shall annually make provisions for the payment of the principal and interest on said bonds as the same shall be due by levying a tax upon all of the taxable property of said City of Leawood, Johnson County, Kansas. ORD. NO. 469 10-21-74

20-122. AN ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE FOLLOWING MAIN TRAFFICWAY WITHIN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, TO WIT: 95TH STREET FROM MISSION ROAD TO STATE LINE ROAD. That 95th Street from State Line to Mission Road be improved by sub-base preparation and by application of a two-inch asphaltic concrete overlay. ORD. NO. 486 4-21-75

20-123. FUNDING. That the City's cost of constructing and making said street improvement shall be by the issuance of general obligation bonds of the City of Leawood, Kansas as provided by law, and that the cost of the improvement be temporarily financed, if necessary, through the issuance of temporary notes as provided by law. ORD. NO. 486 4-21-75

20-124. INTER-LOCAL AGREEMENT. That the City shall join with and agree with the City of Overland Park as to the repair and improvement of that portion of 95th Street in the City of Leawood and also in the City of Overland Park, and this shall be done by the approval of an inter-local agreement as provided by law. ORD. NO. 486 4-21-75

20-125. ENGINEERING ESTIMATE. That the City's consulting engineers, Shafer, Kline & Warren, shall prepare a specifications and/or work description for the construction of said improvement, and shall submit the same to the Governing Body for its approval, and shall file, according to law, an engineer's estimate of the cost and expense of constructing said improvement and shall likewise submit the same to the Governing Body of the City of Leawood, Kansas. ORD. NO. 486 4-21-75

20-126. ADVERTISEMENT FOR BIDS. That the City Clerk or her representative shall advertise for bids for the furnishing of material and labor to be used in the construction of the 95th Street

improvement, and shall fix the time within which said bids shall be received and said advertisement shall notify the bidders that the City shall reserve the right to reject any and all bids. ORD. NO. 486 4-21-75

20-127. CONTRACT. The Governing Body, or its representative, shall, after the bids have been received and filed, open and consider the same and may let the contract for the construction of said street improvement or any part thereof, to the lowest responsible bidder, and may reject any and all bids. That upon the acceptance of any bid, the bidder or contractor to whom the contract shall be awarded, shall enter into a written agreement with the City, or its representative, for the construction of said street improvement, or any part thereof, and shall execute a bond with satisfactory surety thereon, conditioned for the faithful performance of said contract, and a bond indemnifying and saving the City harmless because of any injury to person or property caused by the negligence of the contractor, his agents or servants, or because of any infringement of any patent or process, and all of the work shall be done under the supervision of the City's consulting engineers, Shafer, Kline & Warren, and subject to the firm's approval before final acceptance. ORD. NO. 486 4-21-75

20-128. AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF THE IMPROVEMENT OF 111TH STREET WITHIN THE CITY OF LEAWOOD. Special assessments to pay the cost of said improvements, with accrued interest, be and the same are hereby levied against the following tract liable for the special assessment for said improvement, to wit:

The North 60 acres of the West 1/2 of Section 16, Township 13, Range 25, Leawood, Johnson County, Kansas $89,906.60

ORD. NO. 490 7-21-75

20-129. TIME OF LEVY AND PAYMENT. Said assessment with accrued interest, shall be levied concurrent with general property taxes, and shall be payable in ten equal installments. The first installment shall be payable at the time of the first payment of general property taxes.

ORD. NO. 490 7-21-75

20-130. INTEREST. All assessments shall bear interest at a rate not to exceed 6% per annum. ORD. NO. 490 7-21-75

20-131. PAYMENT. The owner of the property so assessed may at any time prior to August 4, 1975, pay the entire assessment or any part thereof against any lot or parcel with interest accrued to the date of payment to the City Treasurer. ORD. NO. 490 7-21-75

20-132. CERTIFICATION. Assessments not paid prior to the date provided in Section 4 herein, shall be certified, together with the interest accrued or to accrue, by the Ctiy Clerk to the County Clerk, to be collected in the same manner as other taxes. ORD. NO. 490 7-21-75

20-133. AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF LEAWOOD, KANSAS IN THE SUM OF $40,000.00 FOR THE PURPOSE OF PAYING FOR THE IMPROVEMENT OF 95TH STREET FROM MISSION ROAD TO STATE LINE ROAD.....It has heretofore been found and declared necessary and advisable under the provisions of K.S.A. 12-685 through 12-689 inclusive, and all acts amendatory and supplemental thereto, by the City's Resolution No. 341 heretofore passed and properly published, and for the purpose of providing funds to pay for the cost of said project, certified to be in the sum of $40,000.00, there shall be and there are hereby issued general obligation bonds of the City of Leawood, Johnson County, Kansas, in the aggregate amount of $40,000.00, which issued shall consist of eight bonds in the amount of $5,000.00 each, numbered from 1 to 8, both inclusive, dated September 1, 1975, bearing interest at the rate of 5 1/2% per annum, payable semi-annually on the 1st of March and the 1st of September of each year, commencing March 1, 1977, as follows:

NUMBER	DENOMINATION	AMOUNT	MATURITY
1	$5,000.00	$ 5,000.00	March 1, 1977
2-3	$5,000.00	$10,000.00	March 1, 1978
4-5	$5,000.00	$10,000.00	March 1, 1979
6-7	$5,000.00	$10,000.00	March 1, 1980
8	$5,000.00	$ 5,000.00	March 1, 1981

ORD. NO. 493 8-4-75

20-134. Said bonds and coupons shall contain recitals and be in the form and of the size as provided by the Statutes of the State of Kansas. ORD. NO. 493 8-4-75

20-135. That said bonds shall be signed by the Mayor and attested by the City Clerk of said City and shall have the corporate seal of City affixed thereto, and the interest coupons shall be signed with the facsimile signatures of said Mayor and City Clerk, and both principal and interest shall be payable at the offices of the State Treasurer of the State of Kansas, in the City of Topeka, Kansas. ORD. NO. 493 8-4-75

20-136. The Mayor and City Clerk are hereby authorized to prepare and execute said bonds and coupons, and when so executed, said bonds shall be registered as required by law, and the Governing Body shall annually make provisions for the payment of the principal and interest on said bonds as the same shall be due by levying a tax upon all of the taxable property of said City of Leawood, Johnson County, Kansas.

ORD. NO. 493 8-4-75

ARTICLE 1. STREETS AND HIGHWAYS

20-137. AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, IN THE SUM OF $100,000.00 FOR THE PURPOSE OF PAYING THE COSTS OF THE IMPROVEMENT OF 111TH STREET.....That the Governing Body, Mayor and City Clerk of the City of Leawood, Johnson County, Kansas, be and they are hereby authorized and directed to issue general obligation bonds in the City of Leawood, Kansas in the principal amount of $100,000.00 for the purpose of paying the unpaid portion of the costs of construction of improvements of 111th Street within the City of Leawood. ORD. NO. 494 8-4-75

20-138. That said bonds shall be dated September 1, 1975, and known as Project St. 74-2 and shall be numbered, in denomination, bear interest and mature according to the following schedule:

NUMBER	DENOMINATION	AMOUNT	INTEREST RATE	MATURITY
1-2	$5,000.00	$10,000.00	5.600	3/1/77
3-4	$5,000.00	$10,000.00	5.600	3/1/78
5-6	$5,000.00	$10,000.00	5.600	3/1/79
7-8	$5,000.00	$10,000.00	5.600	3/1/80
9-10	$5,000.00	$10,000.00	5.600	3/1/81
11-12	$5,000.00	$10,000.00	5.600	3/1/82
13-14	$5,000.00	$10,000.00	5.600	3/1/83
15-16	$5,000.00	$10,000.00	5.600	3/1/84
17-18	$5,000.00	$10,000.00	5.600	3/1/85
19-20	$5,000.00	$10,000.00	5.600	3/1/86

First interest is due March 1, 1977, and semi-annually thereafter on September 1 and March 1 of each year. ORD. NO. 494 8-4-75

20-139. Said bonds shall be signed by the Mayor and attested by the City Clerk and the coupons attached thereto shall be signed with facsimile signatures of the Mayor and City Clerk and such bonds shall have the corporate seal of the City affixed thereto and each of said bonds shall be registered by the City Clerk of the City of Leawood, Kansas, and by the State Treasurer of the State of Kansas, as required by law.
ORD. NO. 494 8-4-75

20-140. These bonds are payable primarily from special assessments which have been assessed against the property benefited; however, the full faith, credit and resources of the City of Leawood, Kansas, are pledged for the prompt payment of the principal and interest of said bonds when due, and the Governing Body of the City of Leawood shall make provisions for the payment thereof by levying an annual tax on all of the taxable property of the City of Leawood, Kansas, sufficient to pay the installments of principal and interest on all of said bonds outstanding, as the same severally become due.
ORD. NO. 494 8-4-75

~~Add 20-141 thru 140~~ See next pg.

CHAPTER XX. STREET AND HIGHWAY IMPROVEMENT

ARTICLE 1. STREETS AND HIGHWAYS

20-141. AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A $250,000.00 TEMPORARY NOTE OF THE CITY OF LEAWOOD, KANSAS TO PAY THE COSTS OF CONSTRUCTION OF IMPROVEMENT OF 123RD STREET .....

That for the purpose of paying the accrued and accruing costs of the construction of improvements to 123rd Street as described hereinbefore, there shall be issued and the same is hereby authorized, a temporary note of the City of Leawood, Kansas, in the amount of TWO HUNDRED AND FIFTY THOUSAND DOLLARS ($250,000.00) for the payment of the estimated costs and expenses of said improvement. ORD. NO. 589 7-3-78

20-142. This temporary note shall be numbered and shall bear interest at the rate of 5.25% per annum and the improvement for the payment of which this note is issued shall be clearly and specifically set forth. The interest on said note shall be payable semi-annually and shall mature 180 days from July 3, 1978,

and shall be callable for payment in advance of maturity in the manner hereinafter specified in the form of the note, and shall be redeemable, and cancelled before or at the time bonds are issued in lieu thereof. The same temporary note shall contain recitals, and shall be in the form and of the size as provided by the statutes of the State of Kansas.

ORD. NO. 589 7-3-78

20-143. The Mayor and the City Clerk of the City of Leawood, Kansas are hereby directed, authorized and empowered to prepare and execute the note described in this ordinance and to do all things necessary for its execution, and to sell and deliver the same at private sale, at par and accrued interest according to law, to the purchaser thereof upon receipt of the purchase price, and apply the proceeds of such sale to the payment of the actual costs and expenses of the street improvement described hereinbefore.

ORD. NO. 589 7-3-78

20-144. AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A $200,000.00 TEMPORARY NOTE OF THE CITY OF LEAWOOD, KANSAS TO PAY THE COSTS OF CONSTRUCTION OF IMPROVEMENTS TO 119TH STREET.....

That for the purpose of paying the accrued and accruing costs of the construction of improvements to 119th Street between the present end of the improvement West of Ensley and Mission Road, a distance of 1960 feet, in the City of Leawood, Kansas, said improvement to be a 36 foot roadway in width, back to back with curb, inclusive of storm drainage facilities, utility relocation, and Mission Road intersection improvements, there shall be issued and the same is hereby authorized, a temporary note of the City of Leawood, Kansas in the amount of TWO HUNDRED THOUSAND DOLLARS ($200,000.00) for the payment of the estimated costs and expenses of said improvement.

ORD. NO. 588 7-3-78

CHAPTER XX. STREET AND HIGHWAY IMPROVEMENT

ARTICLE 1. STREETS AND HIGHWAYS

20-145. This temporary note shall be numbered and shall bear interest at the rate of 5.25% per annum and the improvement for the payment of which this note is issued shall be clearly and specifically set forth. The interest on said note shall be payable semi-annually and shall mature 180 days from July 3, 1978,

and shall be callable for payment in advance of maturity in a manner hereinafter specified in the form of the note, and shall be redeemable, and cancelled before or at the time bonds are issued in lieu thereof. The same temporary note shall contain recitals, and shall be in the form and of the size as provided by the statutes of the State of Kansas.

ORD. NO. 588 7-3-78

20-146. The Mayor and the City Clerk of the City of Leawood, Kansas are hereby directed, authorized and empowered to prepare and execute the note described in this ordinance and to do all things necessary for its execution, and to sell and deliver the same at private sale, at par and accrued interest according to law, to the purchaser thereof upon receipt of the purchase price, and apply the proceeds of such sale to the payment of the actual costs and expenses of the street improvement described hereinbefore.

ORD. NO. 588 7-3-78

20-147. That for the purpose of paying the accrued and accruing costs of the construction of improvements to 123rd Street as described hereinbefore, there shall be issued and the same are hereby authorized, temporary notes in the total amount of Five Hundred Fifty Thousand Dollars ($550,000.00) for the payment of the estimated costs and expenses of said improvement, each note to be issued in the amount of Fifty Thousand Dollars ($50,000.00).

ORD. NO. 639 7-2-79

20-148. Said temporary notes shall be numbered 78-1 A-K and shall bear interest at the rate of 5 3/4% per annum, and the improvement for the payment of which this note is issued shall be clearly and specifically set forth. The interest on said notes shall be payable semi-annually and shall mature one hundred eighty (180) days from July 31, 1979. Said notes shall be callable for payment in advance of maturity in the manner hereinafter specified in the form of the note, and shall be redeemable, and cancelled before or at the time bonds are issued in lieu thereof. The same temporary notes shall contain recitals, and shall be in the form and of the size as provided by the statutes of the State of Kansas.

ORD. NO. 639 7-2-79

CHAPTER XX. STREET AND HIGHWAY IMPROVEMENT

ARTICLE 1. STREETS AND HIGHWAYS

20-149. The Mayor and the City Clerk of the City of Leawood, Kansas are hereby directed, authorized and empowered to prepare and execute the notes described in this ordinance and to do all things necessary for their execution, and to sell and deliver the same at private sale, at par and accrued interest according to law, to the purchaser thereof upon receipt of the purchase price, and apply the proceeds of such sale to the payment of the actual costs and expenses of the street improvement described hereinbefore.

ORD. NO. 639 7-2-79

20-150. That for the purpose of paying the accrued and accruing costs of the construction and improvement of Mission Road from the centerline of 127th Street (the south line of Section 22-13-25) to the centerline of 119th Street (the north line of Section 22-13-25) a distance of 5,319 feet more or less, and the construction and improvement of 123rd Street from the centerline of Mission Road (west line of Section 22-13-25) to the centerline of Cherokee Lane as now established, a distance of 2,487 feet more or less or a total linear distance of 7,806 feet more or less. The improvement will be a 41' roadway in width, back to back of curb, all improvements to be inclusive of storm drainage facilities, sidewalks, street lighting, and other appurtenances. There shall be issued and the same are hereby authorized temporary notes of the City of Leawood, Kansas in the amount of ONE MILLION TWO HUNDRED THOUSAND DOLLARS ($1,200,000.00) for the payment of the estimated costs and expenses of said improvement, each note to be issued in the amount of ONE HUNDRED THOUSAND DOLLARS ($100,000.00).

ORD. NO. 640 7-2-79

20-151. These temporary notes shall be numbered 79-1 A-L inclusive, and shall bear interest at the rate of 5 3/4 % per annum and the improvement for the payment of which this note is issued shall be clearly and specifically set forth. The interest on said notes shall be payable as follows: Interest shall be payable semiannually, and the notes shall mature one hundred and eighty (180) days from July 31, 1979.

Said notes shall be callable for payment in advance of maturity in a manner hereinafter specified in the form of said notes, and shall be redeemable, and cancelled before or at the time bonds are issued in lieu thereof. The temporary notes shall contain recitals, and shall be in the form and of the size as provided by the statutes of the State of Kansas.

ORD. NO. 640 7-2-79

ARTICLE 1. STREETS AND HIGHWAYS

20-152. The Mayor and the City Clerk of the City of Leawood, Kansas, are hereby directed, authorized and empowered to prepare and execute the notes described in this ordinance and to do all things necessary for their execution, and to sell and deliver the same at private sale, at par and accrued interest according to law, to the purchaser thereof upon receipt of the purchase price, and apply the proceeds of such sale to the payment of the actual costs and expenses of the street improvement described hereinbefore. ORD. NO. 640 7-2-79

BD78-2 (119th St.) interest 6.7% - See Bond Specimen in Transcript

20-153. Special assessments to pay the cost of said improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as set out on Exhibit A attached hereto. ORD. NO. 659 11-5-79

20-154. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in twenty annual installments. The first installment shall be payable at the time of the first payment of general property taxes following the adoption and publication of this ordinance. ORD. NO. 659 11-5-79

20-155. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law. ORD. NO. 659 11-5-79

20-156. The owner of any property so assessed may at any time prior to December 5, 1979, pay the whole of the assessment against any lot or parcel of ground with interest accrued to the date of payment to the City Treasurer. ORD. NO. 659 11-5-79

20-157. Assessments not paid prior to December 5, 1979, shall be certified together with the interest accrued or to accrue by the City Clerk to the County Clerk, and collected in the same manner as other taxes. ORD. NO. 659 11-5-79

20-158. That the Governing Body, Mayor and City Clerk of the City of Leawood, Johnson County, Kansas, be and they are hereby authorized and directed to issue general obligation bonds of the City of Leawood, Kansas in the principal amount of Two Hundred Fifty-three Thousand Three Hundred Dollars ($253,300.00) for paying the unpaid portion of the cost of construction of improvements to 119th Street within the City of Leawood. ORD. NO. 665 1-9-80

20-159. That said bonds shall be dated January 15, 1980, and shall be known as Improvement District 78-2 and shall be numbered in denomination, bear interest and mature according to the following schedule:

NUMBERS	AMOUNT	MATURITY
1	$ 3,300.00	March 1, 1981
2-3	$10,000.00	March 1, 1982
4-5	$10,000.00	March 1, 1983
6-7	$10,000.00	March 1, 1984
8-9	$10,000.00	March 1, 1985
10-11	$10,000.00	March 1, 1986
12-14	$15,000.00	March 1, 1987
15-17	$15,000.00	March 1, 1988
18-20	$15,000.00	March 1, 1989
21-23	$15,000.00	March 1, 1990
24-26	$15,000.00	March 1, 1991
27-29	$15,000.00	March 1, 1992
30-32	$15,000.00	March 1, 1993
33-35	$15,000.00	March 1, 1994
36-38	$15,000.00	March 1, 1995
39-41	$15,000.00	March 1, 1996
42-44	$15,000.00	March 1, 1997
45-47	$15,000.00	March 1, 1998
48-50	$15,000.00	March 1, 1999
51	$ 5,000.00	March 1, 2000

The first interest payment is due March 1, 1981, and will be due semi-annually thereafter on September 1st and March 1st of each year.

ORD. NO. 665 1-9-80

20-160 Said bonds shall be signed by the Mayor and attested by the City Clerk and the coupons attached thereto shall be signed with facsimile signatures of theMayor and City Clerk, and such bonds shall have the corporate seal of the City affixed thereto and each of said bonds shall be registered by the City Clerk of the City of Leawood, Kansas, and by the State Treasurer of the State of Kansas as required by law. ORD. NO. 665 1-9-80

20-161. The bonds are payable primarily from special assessments which have been assessed against the property benefited; however, the full faith, credit and resourses of the City of Leawood, Kansas, are pledged for the prompt payment of the principal and interest of said bonds when due, and the Governing Body of the City of Leawood, Kansas shall make provisions for the payment thereof by levying an annual tax on all of the taxable property of the City of Leawood, Kansas, sufficient to pay the installments of principal and interest on all said bonds outstanding, as the same severally become due.

ORD. NO. 665 1-9-80

BD78-1 (123rd St.)

20-162. Special assessments to pay the cost of said improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as set out on Exhibit A attached hereto. ORD. NO. 666 1-21-80

20-163. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in twenty annual installments. The first installment shall be payable at the time of the first payment of generalproperty taxes following the adoption and publication of this ordinance. ORD. NO. 666 1-21-80

20-164. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law. ORD. NO. 666 1-21-80

20-165. The owner of any property so assessed may at any time prior to February 21st, 1980, pay the whole of the assessment against any lot or parcel of ground with interest accrued to the date of payment to the City Treasurer. ORD. NO. 666 1-21-80

20-166. Assessments not paid prior to February 21st, 1980, shall be certified together with the interest accrued or to accrue by the City Clerk to the County Clerk, and collected in the same manner as other taxes. ORD. NO. 666 1-21-80

BD79-1 (Mission Rd.; 123rd St.)

20-167. Special assessments to pay the cost of said improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as set out on Exhibit A attached hereto. ORD. NO. 669 3-17-80

20-168. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in twenty annual installments. The first installment shall be payable at the time of the first payment of general property taxes following the adoption and publication of this ordinance. ORD. NO. 669 3-17-80

20-169. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law. ORD. NO. 669 3-17-80

20-170. The owner of any property so assessed may at any time prior to April 17, 1980, pay the whole of the assessment against any lot or parcel of ground with interest accrued to the date of payment to the City Treasurer. ORD. NO. 669 3-17-80

CHAPTER XX. STREET AND HIGHWAY IMPROVEMENT

ARTICLE 1. STREETS AND HIGHWAYS

20-171. Assessments not paid prior to April 17, 1980, shall be certified together with the interest accrued or to accrue by the City Clerk to the County Clerk, and collected in the same manner as other taxes. ORD. NO. 669 3-17-80

20-172. The Governing Body, Mayor and City Clerk of the City of Leawood, Johnson County, Kansas, be and they are hereby authorized and directed to issue general obligation bonds of the City of Leawood, Kansas in the principal amount of ONE MILLION EIGHT HUNDRED NINETY-FOUR THOUSAND FIVE HUNDRED DOLLARS ($1,894,500.00) for paying the unpaid portion of the cost of construction of improvements to 123rd Street and Mission Road within the City of Leawood, Kansas.

Interest 6.80% See Bond Specimen in Transcript ORD. NO. 675 5-16-80

20-173. Said bonds shall be dated June 1, 1980, and shall be known as Combined Improvement Districts 78-1 and 79-1, and shall be numbered in denomination, bear interest and mature according to the following schedule (schedule given).

The first interest payment is due March 1, 1981, and will be due semi-annually thereafter on September 1st and March 1st of each year.

Said bonds shall be signed by the Mayor and attested by the City Clerk and the coupons attached thereto shall be signed with facsimile signatures of the Mayor and the City Clerk, and such bonds shall have the corporate seal of the City affixed thereto and each of said bonds shall be registered by the City Clerk of the City of Leawood, Kansas, and by the State Treasurer of the State of Kansas as required by law.

ORD. NO. 675 5-16-80

20-174. The bonds are payable primarily from special assessments which have been assessed against the property benefited; however, the full faith, credit and resources of the City of Leawood, Kansas, are pledged for the prompt payment of the principal and interest of said bonds when due, and the Governing Body of the City of Leawood shall make provisions for the payment thereof by levying an annual tax on all of the taxable property of the City of Leawood, Kansas, sufficient to pay the installments of principal and interest on all said bonds outstanding, as the same severally become due.

ORD. NO. 675 5-16-80

Add 20-175 thru 188

CHAPTER XX. STREET AND HIGHWAY IMPROVEMENT

ARTICLE 1. STREETS AND HIGHWAYS

20-175. IMPROVEMENT. 119th Street from Mission Road to Roe Avenue be improved by sub-base preparation and by application of a three-inch asphaltic concrete overlay. ORD. NO. 740 5-3-82

20-176. FUNDING. That the City's cost of constructing and making said street improvement shall be by the issuance of general obligation bonds of the City of Leawood, Kansas as provided by law, and that the cost of the improvement be temporarily financed, if necessary, through the issuance of temporary notes as provided by law. ORD. NO. 740 5-3-82

20-177. ENGINEERING ESTIMATE. The City's Director of Public Works has prepared specifications and/or work description for the construction of said improvement, and has submitted the same to the Governing Body for its approval, and has filed, according to law, an estimate of the cost and expense of constructing said improvement and has likewise submitted the same to the Governing Body of the City of Leawood, Kansas.
ORD. NO. 740 5-3-82

20-178. ADVERTISEMENT FOR BIDS. The Director of Public Works has solicited bids for the furnishing of material and labor to be used in the improvement of said 119th Street, and did fix the time within which said bids should be received and said solicitation did notify the bidders that the City had reserved the right to reject any and all bids.
ORD. NO. 740 5-3-82

20-179. CONTRACT. The Governing Body, or its representative, did, after the bids had been received and filed, open and consider the same and let the contract for the construction of said improvements to the said 119th Street, or any part thereof, to the lowest responsible bidder. The City accepted the bid of Reno Construction Company in the amount of $29,142.00, based on estimated quantities, and did enter into a written agreement with said Reno Construction Company for the construction of improvements to said trafficway, or any part thereof, and did execute a bond with satisfactory surety thereon, conditioned for the faithful performance of said contract, and a bond indemnifying and saving the City harmless because of any injury to person or property caused by the negligence of the contractor, his agents or servants, or because of any infringement of any patent or process and all of the work shall be done under the supervision of the City's Director of Public Works, and subject to his approval before final acceptance. ORD. NO. 740 5-3-82

20-180. IMPROVEMENT. The intersection of College Boulevard and Roe Avenue be reconstructed, reconfigured, and signalized per the graphic description of such improvement set out on Exhibit A attached hereto.
ORD. NO. 741 5-3-82

20-181. FUNDING. The City's cost of constructing and making said street improvement shall be by the issuance of general obligation bonds of the City of Leawood, Kansas as provided by law, and that the cost of the improvement be temporarily financed, if necessary, through the issuance of temporary notes as provided by law. ORD. NO. 741 5-3-82

20-182. INTER-LOCAL AGREEMENT. The City has joined with and agrees with the City of Overland Park as to the improvement of said intersection in the City of Leawood and also in the City of Overland Park, and this was done by the approval of an inter-local agreement as provided by law. ORD. NO. 741 5-3-82

20-183. ENGINEERING ESTIMATE. The City's engineers, Johnson, Brickell and Mulcahy, have prepared a specifications and/or work description for the construction of said improvement, and have submitted the same to the Governing Body for its approval, and have filed, according to law, an engineer's estimate of the cost and expense of constructing said improvement and have likewise submitted the same to the Governing Body of the City of Leawood, Kansas. ORD. NO. 741 5-3-82

20-184. ADVERTISEMENT FOR BIDS. The City Clerk or her representative has advertised for bids for the furnishing of material and labor to be used in the improvement of said intersection, and did fix the time within which said bids shall be received and said advertisement did notify the bidders that the City had reserved the right to reject any and all bids. ORD. NO. 741 5-3-82

20-185. CONTRACT. The Governing Body, or its representative, did, after the bids had been received and filed, open and consider the same and let the contracts for the construction of said improvements to the intersection of College Boulevard and Roe Avenue, or any part thereof, to the lowest responsible bidder. The City accepted the bid of O'Donnell & Sons Construction Company, Inc. for the street and storm drainage improvements in the amount of $404,914.62, and with Delanna Construction Company, Inc. for street lights and traffic signals in the amount of $111,000.00, and did enter into written agreements with said companies or their representatives, for the construction of improvements to said intersection, or any part thereof, and did execute bonds with satisfactory sureties thereon, conditioned for the faithful performance of said contracts and bonds indemnifying and saving the City harmless because of any injuries to person or property caused by the negligence of the contractors, their agents or servants, or because of any infringement of any patent or process and all of the work shall be done under the supervision of the City's engineers, Johnson, Brickell and Mulcahy, and subject to the firm's approval before final acceptance. ORD. NO. 741 5-3-82

20-186. For the purpose of paying the accrued and accruing costs of the construction of improvements to 119th Street between Roe Avenue and Mission Road, and the improvement of the intersection of College Boulevard and Roe Avenue, there shall be issued and the same is hereby authorized, a temporary note of the City of Leawood, Kansas in the amount of THREE HUNDRED THOUSAND DOLLARS ($300,000.00) for the payment of the estimated costs and expenses of said improvement. ORD. NO. 742 5-3-82

20-187. This temporary note shall be dated May 1, 1982 and shall be numbered and shall bear interest at the rate of 9.25% per annum and the improvement for the payment of which this note is issued shall be clearly and specifically set forth. The interest on said note shall be payable at maturity, which shall be November 15, 1982, and shall be callable for payment in advance of maturity at any time upon 5 days' published notice and shall be redeemable, and cancelled before or at the time bonds are issued in lieu thereof. The said temporary note shall contain recitals, and shall be in the form and of the size as provided by the statutes of the State of Kansas. ORD. NO. 742 5-3-82

20-188. The Mayor and the City Clerk of the City of Leawood, Kansas are hereby directed, authorized and empowered to prepare and execute the note described in this ordinance and to do all things necessary for its execution, and to sell and deliver the same at private sale, at par and accrued interest according to law, to the purchaser thereof upon receipt of the purchase price, and apply the proceeds of such sale to the payment of the actual costs and expenses of the improvements described hereinbefore. ORD. NO. 742 5-3-82

20-189. For the purpose of providing funds for the payment of the construction costs for the improvement of 119th Street between Mission Road and Roe Avenue and of the intersection of College Boulevard and Roe Avenue, as authorized by Resolution Nos. 581 and 582, pursuant to and in accordance with K.S.A. 12-685, et seq., there shall be issued and hereby are authorized and directed to be issued negotiable interest bearing general obligation bonds of the City of Leawood, Kansas, in the aggregate principal amount of $349,500.00.

20-190. The Bonds shall be designated City of Leawood, Kansas, Combined Projects Street Improvement General Obligation Bonds, Series 82-1 (the "Bonds").

Said Bonds shall aggregate the principal sum of $349,500.00, and shall consist of 70 bonds, numbered from 1 to 70, inclusive, Bond No. 1 of said series of Bonds being in the denomination of $4,500.00 and Bonds No. 2 through 70, inclusive, being in the denomination of $5,000.00 each. Each of said Bonds shall be dated December 15, 1982, and said Bonds shall mature serially on September 1 in the years and in the principal amounts and shall bear interest as follows:

BOND NO.	PRINCIPAL AMOUNT	YEAR OF MATURITY	INTEREST RATE
1	$ 4,500	1983	7.40%
2-15	70,000	1984	7.40%
16-29	70,000	1985	7.40%
30-43	70,000	1986	7.00%
44-57	70,000	1987	7.20%
58-70	65,000	1988	7.40%

Interest on said Bonds shall be payable from December 15, 1982, at the rates aforesaid semi-annually on March 1 and September 1 of each year, commencing September 1, 1983. Both the principal of and interest on said Bonds shall be payable in lawful money of the United States of America at the Office of the State Treasurer of the State of Kansas in the City of Topeka, Kansas, upon presentation and surrender of said Bonds and coupons as they respectively become due.

The Bonds shall not be subject to redemption prior to their respective stated maturity dates.

20-191. Said Bonds shall be signed by the manual signature of the Mayor and attested by the Manual signature of the City Clerk of said City, and shall have the official seal of the City affixed thereto or imprinted or lithographed thereon. Interest coupons shall be attached to said Bonds, representing the interest to mature thereon, and said interest coupons shall bear the facsimile signatures of the Mayor and City Clerk of said City. Said Bonds and each of them shall be registered in the Office of the City Clerk prior to delivery which registration shall be evidenced by a certificate on the reverse face of each of said Bonds bearing the manual signature of the City Clerk and the facsimile seal of the City.

20-192. Said Bonds shall be executed in the form and shall contain recitals substantially as follows:

(Form of Bonds)

No. _____ $ _____

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF JOHNSON
CITY OF LEAWOOD
COMBINED PROJECTS
STREET IMPROVEMENT
GENERAL OBLIGATION BOND, SERIES 82-1

KNOW ALL MEN BY THESE PRESENTS: That the City of Leawood, in the County of Johnson, State of Kansas, for value received hereby acknowledges itself to be indebted and promises to pay to the bearer upon surrender hereof the sum of:

FIVE THOUSAND AND NO/100 DOLLARS

in lawful money of the United States of America on the 1st day of September, 19___, with interest thereon from the date hereof at the rate of_____ percent (_____%) per annum, payable semi-annually on March 1 and September 1 of each year, commencing September 1, 1983, until said principal sum shall have been paid, upon presentation and surrender of the interest coupons hereto annexed, bearing the facsimile signatures of the Mayor and City Clerk of the City of Leawood, Kansas, as said coupons severally become due, both principal of and interest on this bond being payable in lawful money of the United States of America at the office of the State Treasurer of the State of Kansas in the City of Topeka, Kansas.

This bond and all other bonds of the series of which this bond is a part shall be and constitute the general obligations of the City of Leawood, Kansas, and the full faith, credit and resources of said City of Leawood, Kansas, are irrevocably pledged to the payment of said bonds and the interest thereon. There shall be levied annually according to law a tax upon all of the taxable tangible property within the territorial limits of the City of Leawood, in amounts as shall be necessary and sufficient to pay the principal of and

interest on this bond and all other bonds of the series of which this bond is a part.

This bond is one of a series of 70 bonds of like case and tenor, excepting number, denomination, interest rate and maturity date, aggregating the principal sum of $349,500.00, issued by said City for the purpose of providing funds to pay the construction costs for the improvement of 119th Street between Mission Road and Roe Avenue and of the intersection of College Boulevard and Roe Avenue, as authorized by Resolution Nos. 581 and 582, pursuant to K.S.A. 12-685, et. seq. This bond and the series of which this bond is a part are issued under the authority of and in full conformity with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas and particularly K.S.A. 10-101 et. seq., as amended, and all other laws of the State applicable to this issue, and said bonds and the interest thereon shall be paid by the City of Leawood, Kansas.

It is hereby declared and certified that all acts, conditions and things required to be done and to exist precedent to and in the issuance of this bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and the laws of the State of Kansas and that the total indebtedness of the City of Leawood, Kansas, including the series of bonds of which this bond is a part, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Leawood, Kansas, by its Governing Body, has caused this bond to be signed by the manual signature of its Mayor and attested by the manual signature of its City Clerk and the seal of said City to be affixed hereto or lithographed or imprinted hereon, and the coupons hereto attached to be signed with the facsimile signatures of said officers, and this bond to be dated this 15th day of December, 1982.

(manual)
Kent E. Crippin, Mayor of the City of Leawood, Kansas

ATTEST:

(manual)
J. Oberlander, City Clerk

(SEAL)

On the first day of_____, 19___, the CITY OF LEAWOOD, KANSAS, will pay to bearer_____ ($_____) in lawful money of the United States of America at the office of the STATE TREASURER IN TOPEKA, KANSAS, being six months' interest on its Combined Projects Street Improvement GENERAL OBLIGATION BOND, Series 82-1, dated December 15, 1982.

(_____1, 19___)
City of Leawood,

$_____

(facsimile) No. _____
Mayor

ATTEST:

(facsimile)
City Clerk

CITY CLERK CERTIFICATE

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

I, the undersigned, City Clerk of Leawood, Kansas, hereby certify that the within Combined Projects Street Improvement General Obligation Bond, Series 82-1, has been duly registered in my office according to law this _____.

IN WITNESS WHEREOF, I have set my hand and seal of the City.

(manual)
J. Oberlander
City Clerk of Leawood, Kansas

(S E A L)

STATE TREASURER'S CERTIFICATE

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

I, JOAN FINNEY, Treasurer of the State of Kansas, do hereby certify that a full and complete transcript of the proceedings leading up to the issuance of this bond has been duly filed in my office and that this bond and the coupons hereto attached were registered in my office according to law this _____.

WITNESS my hand and official seal.

_____
Treasurer of the State of Kansas

By: _____
Assistant State Treasurer

20-193. The Mayor and City Clerk of the City of Leawood, Kansas, are hereby authorized and directed to prepare and execute in the manner hereinbefore specified the aforedescribed bonds and when duly executed and registered as required by law, to deliver said bonds to the purchaser or purchasers thereof upon payment of the purchase price therefor in accordance with the contract for the purchase of said Bonds duly accepted by the Governing Body of the City.

20-194. For the purpose of providing funds to pay the principal of and interest on said Bonds in the aggregate principal amount of $349,500.00, as said principal and interest become due and payable, there shall be levied annually according to law a tax upon all taxable tangible property within the territorial limits of the City of Leawood, Kansas as shall be sufficient to pay the principal of and interest on the Bonds as and when the same severally become due.

20-195. The taxes above levied shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner that other city taxes are levied and collected, and the proceeds derived from said taxes shall be used exclusively for the payment of the principal of and interest on the bonds herein authorized.

20-196. The City Treasurer is hereby authorized to forward to the State Treasurer of the State of Kansas sums sufficient to pay both the principal of and interest on said bonds as the same become due.

ORD. NO. 759 12-6-82

ORDINANCE NO. 799

AN ORDINANCE REPEALING AND SUPERSEDING ORDINANCE NO. 786 AND AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES IN THE SUM OF FIVE HUNDRED AND SEVENTY THOUSAND DOLLARS ($570,000.00) OF THE CITY OF LEAWOOD, KANSAS, TO PROVIDE TEMPORARY FINANCING FOR THE CONSTRUCTION AND IMPROVEMENT OF 127TH STREET FROM THE CENTERLINE OF ROE AVENUE TO THE CENTERLINE OF MISSION ROAD CONSISTING OF A THIRTY-SIX FOOT (36') ROADWAY IN WIDTH BACK-TO-BACK WITH CURB, ALL IMPROVEMENTS TO BE INCLUSIVE OF STORM DRAINAGE FACILITIES, STREET LIGHTING AND OTHER APPURTENANCES, THE COST OF WHICH IMPROVEMENTS WILL BE PAID BY THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE CITY OF LEAWOOD, KANSAS.

WHEREAS, the Governing Body of the City of Leawood adopted Resolution No. 617 making findings of advisability and authorizing construction of 127th Street between Roe Avenue and Mission Road in the City of Leawood, Kansas, pursuant to proceedings under K.S.A. 12-6(a)01 et. seq.; and

WHEREAS, it was previously determined that the estimated cost of the construction and improvements of the aforementioned street would be Four Hundred Twenty Thousand Dollars ($420,000.00), for which it was necessary to issue temporary notes to finance the cost of construction of said improvements; and

WHEREAS, construction bids have been let for the project and it is apparent that the probable cost including engineering and construction will be approximately Five Hundred and Seventy Thousand Dollars ($570,000.00), all as set out in the attached Engineer's Certificate; and

WHEREAS, all legal requirements pertaining to the authorization of said improvements have been complied with and that issuance of temporary notes is and will be required to finance engineering and construction costs authorized by K.S.A. 12-6(a)01 et. seq., and K.S.A. 10-123 and all acts amendatory thereto;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

REPEAL OF SECTIONS. Section 1. Sections 20-197 and 20-198 of Revised Ordinances, as adopted by Ordinance No. 786, are hereby repealed and the following enacted in lieu thereof:

20-197. AUTHORIZATION, INTEREST AND MATURITY. Section 2. That for the purpose of paying the cost of making the improvements described and referred to in the title and preamble of this ordinance, including the payment of necessary engineering, incidental and legal costs thereto, there should be issued temporary notes from the City of Leawood, Kansas, in the total amount of Five Hundred Seventy Thousand Dollars ($570,000.00), which amount does not exceed the total estimated costs of said improvements. Said note shall be numbered L.I.D. 84-1, and shall bear interest at a rate not to exceed nine percent per annum, payable at maturity, and shall mature one (1) year from January 1, 1984, and shall be callable in advance of maturity and shall be redeemed and cancelled before or at the time bonds are issued in lieu thereof. Said note so authorized by K.S.A. 12-6(a)01 et. seq. and K.S.A. 10-123 and all acts amendatory and supplementary thereto.

20-198. EXECUTION AND PAYMENT. Section 3. Said note shall be in the form and executed as provided by law, both principal and interest shall be paid at the office of the City Clerk of Leawood, Kansas.

20-199. INCORPORATION BY REFERENCE. Section 4. A copy of the aforementioned Engineer's Certificate is attached to the original ordinance and thereby incorporated by reference.

TAKE EFFECT. Section 5. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/19/83 Second Reading: 1/3/84

Passed by the Governing Body this 3rd day of January, 1984.

Approved by the Mayor this 3rd day of January, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

ORDINANCE NO. 821

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LEAWOOD, KANSAS, OF AN ISSUE OF TEMPORARY NOTES, SERIES C.I.P. 84-1, IN THE AGGREGATE PRINCIPAL AMOUNT OF $2,177,000 DOLLARS, FOR THE PURPOSE OF TAKING UP BY REDEEMING AND PAYING THE $360,000 TEMPORARY NOTES, SERIES S.D. 83-1, OF THE CITY AND THE $570,000 TEMPORARY NOTES, SERIES L.I.D. 84-1, OF THE CITY CURRENTLY OUTSTANDING AND TO PAY CERTAIN ADDITIONAL COSTS INCURRED IN CONNECTION WITH THE CONSTRUCTION OF STORM WATER DRAINAGE IMPROVEMENTS AND CERTAIN IMPROVEMENTS TO 127TH STREET FROM ROE AVENUE TO MISSION ROAD AND TO PAY THE ESTIMATED COSTS AND EXPENSES OF THE IMPROVEMENT OF THE INTERSECTION OF 95TH STREET AND STATE LINE, THE INTERSECTION OF 95TH STREET AND LEE BOULEVARD, MISSION ROAD FROM 135TH STREET TO 151ST STREET AND 143RD STREET FROM KENNETH ROAD TO NALL AVENUE, AND ROE AVENUE FROM THE CENTERLINE OF 135TH STREET SOUTHERLY TO THE CENTER OF SECTION 33, TOWNSHIP 13, RANGE 25, A DISTANCE OF 2640 FEET MORE OR LESS, ALL IMPROVEMENTS WITHIN LEAWOOD, JOHNSON COUNTY, KANSAS, AND TO PAY THE PRINCIPAL OF AND ACCRUED INTEREST NECESSARY TO RETIRE THE AFOREDESCRIBED TEMPORARY NOTES PREVIOUSLY ISSUED.

WHEREAS, the Governing Body of the City of Leawood, Kansas, by Ordinance No. ~~738~~ 783 passed by the Governing Body on July 5, 1983, has authorized the construction of certain storm water drainage facilities, including culverts, bridges and related costs, according to the plans and specifications of Larkin & Associates Consulting Engineers, as project engineers, and has provided for the method of assessment and authorized the issuance of temporary notes pursuant to K.S.A. 10-123 from time to time to pay the costs of said improvements; and

WHEREAS, temporary notes of the City have been issued the proceeds of which have been applied to the payment of costs relating to said project previously accrued, the amount needed to retire said notes together with interest having accrued thereon to date being the sum of $378,690; and

WHEREAS, the costs for additional construction and related improvements have accrued in the approximate amount of $46,310 or such costs will accrue and be payable in the immediate future, which costs and expenses have been approved by the project engineer and the Governing Body of the City of Leawood, and the said amount is needed for the expense and work heretofore performed or to be performed as stated; and

WHEREAS, it is the desire of the Governing Body to exercise its right to redeem and call for payment the $360,000 Temporary Notes, Series S.D. 83-1, heretofore issued for the project and to satisfy said notes and pay costs and expenses currently due or to become due by the issuance of temporary notes in the principal amount of $425,000 as authorized herein.

WHEREAS, the Governing Body of the City of Leawood, Kansas, by Resolution No. 617, passed by the Governing Body on August 1, 1983, has authorized the construction of certain improvements to 127th Street from Roe Avenue to Mission Road, including widening, surfacing, curbing, storm drainage, lighting and related costs, according to the plans and specifications of Shafer, Kline & Warren, P.A., as project engineer, and has provided for the method of assessment and authorized the issuance of temporary notes pursuant to K.S.A. 10-123 from time to time to pay the costs of said improvements; and

WHEREAS, temporary notes of the City have been issued the proceeds of which have been applied to the payment of costs relating to said project previously accrued, the amount needed to retire said notes together with interest having accrued thereon to date being the approximate sum of $592,000; and

WHEREAS, it is the desire of the Governing Body to exercise its right to redeem and call for payment the $570,000 Temporary Notes, Series L.I.D. 84-1, heretofore issued for the project and to satisfy said notes and pay costs and expenses currently due or to become due by the issuance of temporary notes in the principal amount of $592,000 as authorized herein.

WHEREAS, the Governing Body of the City of Leawood, Kansas, by Resolution No. 640, passed by the Governing Body on February 6,1984, has authorized the construction of certain improvements to the intersection of 95th Street and Lee Boulevard, including reconstruction, reconfiguring, widening, storm drainage, curbing and related costs, according to the plans and specifications of Johnson, Brickell & Mulcahey, as project engineer, and provided for the method of assessment and proposes to issue temporary notes pursuant to K.S.A. 10-123 to pay the costs of said improvements; and

WHEREAS, the Governing Body of the City of Leawood, Kansas, by Resolution No. 641, passed by the Governing Body on February 6,1984, has authorized the construction of certain improvements to the intersection of 95th Street and State Line, including reconstruction, reconfiguring, widening, storm drainage, curbing and related costs, according to the plans and specifications of Johnson, Brickell & Mulcahey, as project engineer, and has provided for the method of assessment and proposes to issue temporary notes pursuant to K.S.A. 10-123 to pay the costs of said improvements; and

WHEREAS, the City has entered into a contract for the construction of said improvements, construction has proceeded and costs of said improvements have accrued in the approximate amount of $640,000 or such costs will accrue and be payable in the immediate future, which costs and expenses have been approved by the project engineer and the Governing Body of the City of Leawood, and the said amount is needed for the expense and work heretofore performed or to be performed as stated; and

WHEREAS, the Governing Body of the City of Leawood, Kansas, by Resolution No. 632, passed by the Governing Body on December 19, 1983, has authorized the construction of certain improvements to Roe Avenue from the centerline of 135th Street southerly to the center of Section 33, Township 13, Range 25, a distance of 2640 square feet more or less, including a 32-foot asphaltic concrete roadway with 8-foot grass shoulders and ditch sections, storm drainage, street lighting and related costs, according to the plans and specifications of Shafer, Kline & Warren, P.A., as project engineer, and provided for the method of assessment and proposes to issue temporary notes pursuant to K.S.A. 10-123 to pay the costs of said improvements; and

WHEREAS, costs of said improvements have accrued in the approximate amount of $270,000 or such costs will accrue and be payable in the immediate future, which costs and expenses have been approved by the project engineer and the Governing Body of the City of Leawood, and the said amount is needed for the expense and work heretofore performed or to be performed as stated; and

WHEREAS, the Governing Body of the City of Leawood, Kansas, by Resolution No. 633, passed by the Governing Body on December 19, 1983, has authorized the construction of certain improvements to Mission Road from 135th Street to 151st Street and to 143rd Street from Kenneth Road to Nall Avenue by improvement to rural collector standards, including sub-base preparation, asphaltic concrete overlay, double prime and sealing, according to the plans and specifications of Shafer, Kline & Warren, P.A., as project engineer, and provided for the method of assessment and proposes to issue temporary notes pursuant to K.S.A. 10-123 to pay the costs of said improvements; and

WHEREAS, costs of said improvements have accrued in the approximate amount of $250,000 or such costs will accrue and be payable in the immediate future, which costs and expenses have been approved by the project engineer and the Governing Body of the City of Leawood, and the said amount is needed for the expense and work heretofore performed or to be performed as stated; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

20-~~200~~ 1,100. Section One: That in order to provide funds with which to pay the costs and expenses of the aforesaid improvements now due or to become due in the immediate future and to redeem and pay the temporary notes of the City previously issued the proceeds of which temporary notes have been applied to pay costs relating to certain of said projects as hereinbefore described, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series C.I.P. 84-1, in the aggregate principal amount of $2,177,000.

1,101
20-~~201~~. Section Two: Said issue of Temporary Notes, Series C.I.P. 84-1, shall consist of five or more notes, each bearing a separate designation to identify the specific project for which it is issued as set forth below, numbered from 1 consecutively upward, being the denominations of $100,000 or any integral multiple of $5,000 in excess of $100,000, except that the note or notes of the issue for the 127th Street Mission to Roe Project may be in any integral multiple of $1,000 in excess of $100,000. Each of said notes shall be dated as of their date of issuance and delivery to the purchaser thereof and shall have the stated maturity date of August 1, 1985.

The notes for each particular project shall be in the principal amounts and shall bear interest payable semi-annually from their respective dates, as follows:

Project	Principal Amount	Interest Rate
Bridge and Culverts	$425,000	7.35% for entire issue
127th Street Mission Road to Roe Avenue	592,000	
95th Street Intersections State Line and Lee Blvd.	640,000	
Roe Avenue 135th Street South	270,000	
Mission Road and 143rd Street	250,000	

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in the minimum amount of $100,000), at any date prior to the stated maturity date of said notes by the publication and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice. The principal of each of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to retire said notes. Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas.

1,102
20-~~202~~. Section Three: The date fixed on said notes shall be the date of issue. Each of said notes shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

1,103
20-~~203~~. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and to procure the proper registration in the office of the City Clerk and in the office of the

Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to the purchaser or purchasers thereof upon payment of the purchase price therefor.

20-~~204~~ 1,104. Section Five: The proceeds of said temporary note issue shall be deposited with the City Treasurer in the special funds created for the purpose of paying said costs and expenses of the respective improvements hereinbefore described and retiring the outstanding notes previously issued as aforesaid.

20-~~205~~ 1,105. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

20-~~206~~ 1,106. Section Seven: That the Temporary Notes, Series S.D. 83-1 and the Temporary Notes, Series L.I.D. 84-1, of the City previously issued by the City of Leawood, Kansas are hereby called for redemption and prepayment on August 28, 1984, and shall be retired with the proceeds of the within described Temporary Notes, Series C.I.P. 84-1. The City Clerk is hereby authorized and directed to give such notice of redemption as shall be required by the terms of said outstanding notes.

Section Eight: This Ordinance shall take effect after its publication as provided by laws.

First Reading: 7/16/84 Second Reading: 8/6/84

PASSED by the Governing Body of the City of Leawood, Kansas, this 6th day of August, 1984.

SIGNED by the Mayor this 6th day of August, 1984.

Mayor

ATTEST:

, City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

ORDINANCE NO. 827

AN ORDINANCE AUTHORIZING ISSUANCE OF TEMPORARY NOTES IN THE SUM OF FOUR HUNDRED EIGHTY TWO THOUSAND DOLLARS ($482,000.00) OF THE CITY OF LEAWOOD, KANSAS, TO PROVIDE TEMPORARY FINANCING FOR THE CONSTRUCTION AND IMPROVEMENT OF 127TH STREET FROM THE CENTER LINE OF ROE AVENUE TO THE CENTER LINE OF JUNIPER STREET CONSISTING OF A THIRTY-SIX FOOT (36') ROADWAY IN WIDTH BACK-TO-BACK WITH CURB, ALL IMPROVEMENTS TO BE INCLUSIVE OF STORM DRAINAGE FACILITIES, STREET LIGHTING AND OTHER APPURTENANCES, THE COST OF WHICH IMPROVEMENT WILL BE PAID BY THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE CITY OF LEAWOOD, KANSAS.

WHEREAS, the Governing Body of the City of Leawood adopted Resolution No. 646 making findings of advisability and authorizing construction of 127th Street between Roe Avenue and Nall Avenue in the City of Leawood, Kansas, pursuant to proceedings under K.S.A. 12-6(a)01 et. seq.; and

WHEREAS, Resolution 646 authorized the construction of said road to occur in two separate phases each approximately one thousand three hundred twenty feet (1320') in length; and

WHEREAS, it has been determined that the estimated cost of the construction and improvement of the first phase of aforementioned street will be in the sum of Four Hundred Eighty Two Thousand Dollars ($482,000.00), for which it will be necessary to issue temporary notes to finance the cost of construction of said improvements; and

WHEREAS, all legal requirements pertaining to the authorization of said improvements have been complied with and that issuance of temporary notes is and will be required to finance engineering and construction costs authorized by K.S.A. 12-6(a)01 et. seq., and K.S.A. 10-123 and all acts amendatory thereto;

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

20-~~207~~ 1,107. AUTHORIZATION, INTEREST AND MATURITY. Section 1. That for the purpose of paying the cost of making the improvements described and referred to in the title and preamble of this ordinance, including the payment of necessary engineering, incidental and legal costs thereto, there should be issued temporary notes from the City of Leawood, Kansas, in the total amount of Four Hundred Eighty Two Thousand Dollars ($482,000.00), which amount does not exceed the total estimated costs of said improvements. Said note shall be numbered L.I.D. 84-1, Section 1, and shall bear interest at a rate not to exceed nine percent (9%) per annum, payable at maturity, and shall mature one (1) year from November 1, 1984, and shall be callable in advance of maturity and shall be redeemed and cancelled before or at the time bonds are issued in lieu thereof. Said note so authorized by K.S.A. 12-6(a)01 et. seq. and K.S.A. 10-123 and all acts amendatory and supplementary thereto.

20-~~208~~ 1,108. EXECUTION AND PAYMENT. Section 2. Said note shall be in the form and executed as provided by law, both principal and interest shall be paid at the office of the City Clerk of Leawood, Kansas.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.

First Reading: 10/8/84 Second Reading: 10/15/84

ORDINANCE NO. 827
re: Temporary Notes - 127th Street between Roe and Juniper

Passed by the Governing Body this 15th day of October, 1984.

Approved by the Mayor this 15th day of October, 1984.

KENT E. CRIPPIN, Mayor

(S E A L)

Attest:

J. OBERLANDER, City Clerk

APPPROVED FOR FORM AND CONTENT: _____, City Attorney
Richard S. Wetzler

CHAPTER XX. STREET AND HIGHWAY IMPROVEMENT

ARTICLE 1. STREETS AND HIGHWAYS

repealed by 799

20-197. AUTHORIZATION, INTEREST AND MATURITY. That for the purpose of paying the cost of making the improvements described and referred to in the title and preamble of this ordinance, including the payment of necessary engineering, incidental and legal costs thereto, there should be issued temporary notes from the City of Leawood, Kansas, in the total amount of Four Hundred Twenty Thousand Dollars ($420,000.00), which amount does not exceed the total estimated costs of said improvements. Said note shall be numbered L.I.D. 83-1, and shall bear interest at a rate not to exceed nine percent per annum, payable at maturity, and shall mature one (1) year from August 1, 1983, and shall be callable in advance of maturity and shall be redeemed and cancelled before or at the time bonds are issued in lieu thereof. Said note so authorized by K.S.A. 12-6(a)01 et. seq. and K.S.A. 10-123 and all acts amendatory and supplementary thereto. (127th Street, Roe to Mission)

20-198. EXECUTION AND PAYMENT. Said note shall be in the form and executed as provided by law, both principal and interest shall be paid at the office of the City Clerk of Leawood, Kansas.

ORD. NO. 786 8-1-83

Add 20-199

Add 20-~~200~~ 1,100 thru ~~206~~ 1,106

Add 20-~~207~~ 1,107 & ~~208~~ 1,108

CHAPTER XX. STREET AND HIGHWAY IMPROVEMENT

ARTICLE 2. SIDEWALKS

20-201. (See 20-103 for details of this ordinance, which includes the following section relating to sidewalks:
The sidewalks shall be 48-inch concrete sidewalks on the southerly side of Somerset Drive, north side of 83rd St., north side of 95th St., and south side of 103rd St., from the schools or city limits, east to Lee Blvd.)

ORD. # 188 6-9-61

20-202. AN ORDINANCE PROVIDING FOR THE INSTALLATION OF SIDEWALKS WITHIN A PART OF THE CITY OF LEAWOOD, KANSAS, PROVIDING FOR ALL INCIDENTAL IMPROVEMENTS IN CONNECTION THEREWITH AND PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES BY THE CITY OF LEAWOOD, KANSAS, TO PAY THE COST THEREOF IN THE SUM OF $16,405.20. Sidewalks listed :

1. Somerset Dr., south side, Wenonga Rd., east to the Shopping Center property.
2. 83rd St., north side, west city limits, east to Lee Blvd.
3. 95th St., north side, Post Office property, east to High Dr.
4. 103rd St., south side, Brookwood School property east to Lee Blvd.
5. 103rd St., north side, Lee Blvd. east to Sagamore Rd.
6. Mission Rd., East side, north city limits south to 87th St.
7. Mission Rd., east side, 89th St south to south line of lot 1249, Leawood, and from north line of 1394, Leawood, south to south line of 1393 Leawood.

ORD. # 215 9-17-62

20-203. AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PAYING THE COST OF SIDEWALK CONSTRUCTION ALONG PORTIONS OF SOMERSET DRIVE, 83RD STREET, 95TH STREET, 103RD STREET AND MISSION ROAD.

[Sidewalks listed as identical with the above, 20-202]

ORD. 223 A 8-5-63

XXI. FRANCHISE

ARTICLE 1. KANSAS CITY POWER & LIGHT COMPANY: OVERALL OPERATION

21-101. In consideration of the benefits to be derived by the City and the inhabitants thereof from the construction, operation and maintenance of an electric light and power system and the supplying of electric energy to the public, there is hereby granted to the Company and to its successors and assigns, for the term of twenty (20) years from the effective date hereof, a franchise and authority to construct, operate and maintain in the City all appropriate facilities and plants for carrying on a power and light business and all other operations connected therewith or incident thereto for the purpose of supplying the City and outlying areas with electric or other energy in such forms as may be reasonably required for domestic, commercial, industrial, municipal and other purposes and to produce and supply such energy by manufacture, generation, purchase or otherwise, and to transmit and distribute same by means of underground or overhead lines or otherwise, and for any or all of said purposes it is authorized to (i) construct conduits or other underground facilities for the installation and protection of its underground wire and cables, (ii) place poles, lamp posts, guys, and anchors for its overhead wires, cables and street lights on all streets, alleys, avenues, bridges, parks, parking and other public places or thoroughfares, (iii) construct, erect and maintain all buildings, machinery and attachments of any and every kind for any and all of said purposes, and (iv) enter upon any and all of said public places within the corporate limits of the City as they now exist or may hereafter be opened, widened, extended, laid out and established, including any other territory hereafter added thereto or coming under the City's jurisdiction, and to trim trees upon and overhanging such places and make such excavations thereon as may be appropriate for the construction, repair and renewal of the Company's overhead and underground facilities and plants. ORD. # 361 2-2-70

21-102. Any pavements, sidewalks or curbing taken up or any and all excavations made shall be done under the supervision and direction of the governing body of said City under all necessary permits issued for the work, and shall be made and done in such manner as to give the least inconvenience to the inhabitants of the City and the public generally, and pavements, sidewalks, curbing and excavations shall be replaced and repaired in as good condition as before with all convenient speed by and at the expense of the Company. ORD. #361 2-2-70

21-103. The Company shall at all times during the term of this franchise supply to consumers of electric energy, residing in said City, such electric energy as they may require, and shall extend and construct its lines and services in accordance with legal requirements, and rules and regulations as filed from time to time with the State Corporation Commission of Kansas. Nothing contained herein shall be construed as a guarantee upon the part of the Company to furnish uninterrupted service, and interruptions due to Acts of God, fire, strikes, civil or military authority, orders of court and other causes reasonably beyond the control of the Company are specifically exempted from the terms of this Section. ORD. #361 2-2-70

21-104. All poles and wires shall be erected in accordance with the rules and regulations of the State Corporation Commission of Kansas as set out in Docket No. 1944 and any amendments thereto. All poles carrying said wires shall be placed in such manner as to interfere with and obstruct as little as reasonably possible, the ordinary use of the streets, alleys, lanes and highways of said City, and shall not interfere with any gas main, water main or sewer now laid out or constructed in or under said streets, alleys, lanes and highways of said City. ORD. #361 2-2-70

ARTICLE 1. K.C.P.& L. CO.: OVERALL OPERATION

21-105. The Company shall, at all times, in the construction, maintenance, and operation of its electric transmission, distribution and street lighting system, use all reasonable and proper precaution to avoid damage or injury to persons or property, and shall hold and save harmless said City from any and all damage, injury and expense caused by the sole negligence of the Company, its successors and assigns. ORD. #361 2-2-70

21-106. As further consideration for the rights, privileges and franchise hereby granted, and in lieu of all rental, license or occupation taxes, the grantee shall on or before the 30th day of April and the 31st day of October of each year in which this franchise is effective, pay to the City five per cent (5%) of its gross receipts charged and collected from the sale of electric energy used within the present or future boundaries of said City for domestic, commercial and industrial consumption for the six (6) months' period ending at the last meter reading preceding March 31 and September 30, respectively. Such payment shall be made to the City in cash until any credit (existing on the effective date of this franchise ordinance) accumulated pursuant to Section 1, paragraph 14 of City Ordinance No. 87 is depleted by Company billings for street lighting and traffic signal service for said City; and upon such depletion or if no such credit exists on the effective date of this franchise ordinance, such payment shall be made by subtracting from the amount determined for the applicable said six (6) months' period in accordance with the first and last sentences of this Section (the "Gross Receipts Amount Due") the amount due the Company from the City for street lighting and traffic signal service billed for the applicable said six (6) months' period (the "SLTS Billings Amount") and by paying the remainder, if any, in cash to the City. If in any applicable said six months' period the SLTS Billings Amount exceeds the Gross Receipts Amount Due, the Company shall for such excess bill the City and the City shall pay the same in cash to the Company. The term "gross receipts," as applied to the sales of electricity for domestic, commercial, or industrial purposes as used in this Section shall not include (1) the electrical energy sold to the United States or the State of Kansas or to any agency or political subdivision thereof, (2) the elctrical energy sold for other use which can not be classified as domestic, commercial, or industrial, such as the electrical energy used by public utilities, telephone, telegraph, and radio communication companies, railroads, pipe line companies, educational institutions not operating for profit, churches and charitable institutions and (3) the electrical energy sold for resale. ORD. #361 2-2-70

21-107. All provisions of this ordinance shall be binding upon and inure to the benefit of the Company, its grantees and its successors and assigns. ORD. #361 2-2-70

21-201. All ordinances, parts of ordinances and resolutions in conflict herewith are hereby repealed as of the effective date of this Ordinance. ORD. NO. 563 12-5-77

21-202. This Ordinance shall take effect and be in force from and after its passage and its publication as provided by law and, upon acceptance in writing by the Company as set forth in Section 21-217, shall constitute a contract to remain in full force and effect for a term of ten (10) years from the effective date of this Ordinance. ORD. NO. 563 12-5-77

21-203. The Street Lighting System shall be defined as and shall consist of street light luminaires, bracket arms, poles, lamps, control equipment, conductors and all other facilities necessary for the operation of electrically operated street lights in those portions of the corporate limits of the City now or hereafter located within the Company's certificated territory. Such Street Lighting System shall include all facilities presently owned by the Company and located within such portions of the City as such facilities now exist, together with all additions thereto, changes therein, and removals therefrom as may be made by the Company at the direction of the City during the term hereof. All facilities included within the Street Lighting System shall be furnished, installed, owned, operated and maintained by the Company. The Company shall supply all electric energy required for the operation of the Street Lighting Service to be furnished by the Company to the City hereunder. ORD. NO. 563 12-5-77

21-204. The number, size and type of the street lights on order or now installed by the Company, operated and maintained by the Company and paid for by the City under this Agreement are specified in "Exhibit A" attached hereto and made a part hereof. ORD. NO. 563 12-5-77

21-205. The City shall pay to the Company for Municipal Street Lighting Service furnished by the Company hereunder at the rates and charges provided for in the Company's Rate Schedule 2-ML for Municipal Street Lighting Service or any superseding schedule therefor as then in effect and on file with the State Regulatory Commission (the "Commission") from time to time during the term hereof. Provided that should street lighting be purchased or installed by developers and dedicated to the City, then in such event the rate schedule set out in this section shall not apply. ORD. NO. 563 12-5-77

21-206. The number of street lights set forth in Exhibit A shall be the number of street lights which shall be used and paid for by the City under this Ordinance and if, when, and as additional street lights are installed, or street lights are removed, from time to time under and pursuant to this Ordinance, the number as above set forth shall be increased or decreased in a like amount. ORD. NO. 563 12-5-77

21-207. Additions to the Street Light System, as the same may exist on the effective date of this Agreement, may be ordered by and on behalf of the City from time to time by written order of a legally authorized officer of the City, and upon receipt the Company will institute action to furnish and install

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street lighting facilities of the type and design specified by the City at the locations designated by the City, provided that the Company shall have the right to reject such order if the facilities specified are not of a standard type or design then being furnished and installed by the Company under its Standards for Municipal Street Lighting Facilities; provided further that the Company may accept an order from the City for the installation of nonstandard street lighting facilities upon terms and conditions satisfactory to the Company and to a legally authorized officer of the City, as evidenced by a written acceptance of any such order. ORD. NO. 563 12-5-77

21-208. The City by written order of a legally authorized officer of the City may require the Company to change the type, location or direction of any facilities included in the Street Lighting System or to discontinue and remove any such street lighting facilities. Such change or discontinuances shall be completed by the Company as soon as reasonably practical after receipt of the order. The City shall reimburse and pay to the Company for each such change or removal the cost to the Company of labor, transportation and materials incurred by the Company in such change or removal, including, without limitation, applicable overheads, insurance and taxes, and remaining value of such facilities. As used herein the term "remaining value" shall mean the original cost of any facilities removed, less salvage value thereof, less depreciation on unrecovered original cost plus the cost of removal, unless the City requires the Company to discontinue and remove street lighting facilities in the Street Lighting System so that it may install City-owned street lighting facilities at the same location. In that case the City shall reimburse and pay to the Company for each such removal the reproduction cost new, less depreciation, plus labor and transportation costs for removal of the street lighting facilities. A salvage credit will be allowed only when the particular pieces of equipment being removed have current, reusable value to the Company. ORD. NO. 563 12-5-77

21-209. The City will enact reasonable ordinances for the protection of the property of the Company against malicious destruction thereof. Nothing herein contained shall be construed to fix any liability upon the Company for any failure of any or all street lights. ORD. NO. 563 12-5-77

21-210. In consideration of said Municipal Street Lighting Service and the maintenance thereof, the City agrees that it will each year during the term of this Ordinance make a sufficient tax levy for street lighting purposes and within the maximum levy permitted by the laws of the State of Kansas. ORD. NO. 563 12-5-77

21-211. This Ordinance, including the rates and services fixed herein, and all amendments thereto and all ordinances passed by the City concerning the subject matter of the same, shall be in all respect subject to the rules, regulations and order of the Commission, or any other body established by law succeeding to the power now or hereinafter exercised by said Commission. ORD. NO. 563 12-5-77

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21-212. The method of payment for said Municipal Street Lighting Service shall be as provided in Section 6 of the City's Ordinance No. 361 (Franchise Ordinance), and in the event the Company should render bills as provided therein, the City shall pay all such bills for services furnished under this Agreement within fifteen (15) days after receipt thereof. If any such bill is not paid within such period, a default shall have incurred and the City shall become liable to pay the Company interest on such bill at the rate of ten percent (10%) per annum until such bill is paid. If any bill shall remain in default for ninety (90) days, the Company may, at its option, discontinue the furnishing of services provided for in this Agreement, until such time as the delinquent payments, together with all interest thereon, shall have been paid, and the City shall also be liable to the Company for the value of its investment (undepreciated original cost) in the Street Lighting System. ORD. NO. 563 12-5-77

21-213. The Company shall not be liable on account of any interruption or delay of service occasioned by and shall have no obligation to furnish service hereunder during the time service is interrupted by, an Act of God or any other cause not within the control of the Company, including but not limited to, failure of facilities, load shedding for the protection or restoration of system operations, flood, drought, earthquake, storm, lightning, fire, explosion, epidemic, war, riot, civic disturbance, invasion, insurrection, labor disturbance, strike, sabotage, collision, or restraint or order by any court or public or military authority having jurisdiction. Any strike or labor disturbance may be settled at the discretion of the Company. ORD. NO. 563 12-5-77

21-214. The Company shall at all times protect and save harmless the City from all damages or loss to persons or property for, or arising out of, or by reason of, the Company's negligence in the construction, maintenance, and/or operation of said street lights as provided for herein.
ORD. NO. 563 12-5-77

21-215. The City shall have the right and option to purchase at the expiration of this Ordinance (the "purchase date"), upon one (1) year's written notice to the Company prior to the intended purchase date, only that portion of the Street Lighting System determined by the Company in use and useful and devoted exclusive to furnishing street lighting service under this Ordinance (the "property to be sold"). The purchase price for the property to be sold shall be and consist of all the following:

(a) the reproduction cost new less depreciation;
(b) the consequential and severance damages which will result or accrue to the Company from the sale and transfer of said property to the City;
(c) an allowance for the loss of a portion of the Company's going concern value;
(d) all materials and supplies related uniquely to the property to be sold;
(e) all expenses in connection with such sale;
(f) all other damages sustained by the Company by reason of such sale.
ORD. NO. 563 12-5-77

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21-216. In the event the City, pursuant to Section 21-215 hereof elects to and does purchase the property to be sold, the City shall purchase and receive from the Company and the Company shall sell and deliver to the City for a period of ten (10) years from the purchase date all of the electric energy required for the operation of all City-owned street lighting facilities then or thereafter located within the certificated service territory of the Company at the applicable rate schedule for such service then or thereafter filed with and approved by the State Corporation Commission of the State of Kansas.

ORD. NO. 563 12-5-77

21-217. Within thirty (30) days from and after the publication of this Ordinance in the official paper of the City, the Company, its associates, successors, or assigns shall file with the City Clerk of the City its written acceptance of the provisions hereof and upon said acceptance being filed as herein provided, this Ordinance shall constitute a contract between the City and the Company as set forth herein, and in the event of the failure of the Company to file acceptance within the time specified in this section, then this Ordinance shall ipso facto cease and become null and void.

ORD. NO. 563 12-5-77

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21-301. CANCELLATION OF ALL PRIOR TRAFFIC CONTROL ORDINANCES. All ordinances, parts of ordinances and resolutions in conflict herewith are hereby repealed as of the effective date of this Ordinance. ORD. NO. 564 12-5-77

21-302. TERM OF ORDINANCE. This Ordinance shall take effect and be in force from and after its passage and its publication as provided by law and, upon acceptance in writing by the Company as set forth in Section 21-311, shall constitute a contract to remain in full force and effect for a term of ten (10) years from the effective date of this Ordinance. ORD. NO. 564 12-5-77

21-303. TRAFFIC CONTROL SIGNAL SERVICE.

1. The Traffic Control System shall be defined as and shall consist of traffic control signals, poles, lamps, control cables, conductors and all other facilities necessary for the operation of electrically operated signals in those portions of the corporate limits of the City now or hereafter located within the Company's certificated territory. Such Traffic Control System shall include all such facilities presently owned by the Company and located within such portions of the City as such facilities now exist, together with all additions thereto, changes therein, and removals therefrom as may be made by the Company at the direction of the City during the term hereof as herein provided.

2. All facilities included within the Traffic Control System shall be furnished, installed, owned, operated and maintained by the Company. However, the City shall reimburse and pay to the Company, for any maintenance of traffic control facilities made necessary by inadequate maintenance of the roadways of the City, the cost to the Company of labor, transportation and materials incurred by the Company in such maintenance of traffic control facilities including, without limitation, applicable overheads, insurance and taxes.

3. The City shall have the sole responsibility and authority to establish the timing of all traffic signals included in the Traffic Control System. The Company shall regulate its facilities so as to establish the timing of traffic control signals as nearly as practical in accordance with the schedules and instructions thereof submitted to the Company by a legally authorized officer of the City.

4. The Company shall supply all electric energy required for the operation of the Traffic Control System as part of the Traffic Control Signal Service to be furnished by the Company to the City hereunder.

5. All traffic control signal units shall be operated by the Company twenty-four hours per day. In the event of an interruption in such continuous operation, the Company will, after notice of such interruption is received by the Company through its Customer Service Center, restore such traffic control signal units to operation as soon as reasonably practical. During the period of any such interruption, the City shall use its best efforts to obtain appropriate police control of the traffic affected thereby. ORD. NO. 564 12-5-77

21-304. ADDITIONS, CHANGES AND REMOVALS.

1. Additions to the Traffic Control System, as the same may exist on the effective date of this Ordinance, may be ordered by and on behalf of the City from time to time by written order of a legally authorized officer of the

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City, and upon receipt the Company will institute action to furnish and install traffic control facilities of the type and design specified by the City at the locations designated by the City, provided that the Company shall have the right to reject such order if the facilities specified are not of a standard type or design then being furnished and installed by the Company under its Standards for Municipal Traffic Control Facilities; provided further that the Company may acept an order from the City for the installation of nonstandard traffic control facilities upon terms and conditions satisfactory to the Company and to a legally authorized officer of the City, as evidenced by a written acceptance of any such order.

2. The City by written order of a legally authorized officer of the City may require the Company to change the type, location or direction of any facilities included in the Traffic Control System or to discontinue and remove any such traffic control facilities. Such changes or discontinuances shall be completed by the Company as soon as reasonably practical after receipt of the order. The City shall reimburse and pay to the Company for each such change or removal the cost to the Company of labor, transportation and materials incurred by the Company in such change or removal, including, without limitation, applicable overheads, insurance and taxes, and remaining value of such facilities. As used herein the term "remaining value" shall mean the original cost of any facilities removed, less salvage value thereof, less depreciation on unrecovered original cost, plus the cost of removal, unless the City requires the Company to discontinue and remove traffic control facilities in the Traffic Control System so that it may install City-owned traffic control facilities at the same location. In that case the City shall reimburse and pay to Company for each such removal the reproduction cost new, less depreciation, plus labor and transportation costs for removal of the traffic control facilities. A salvage credit will be allowed only when the particular pieces of equipment being removed have current, reusable value to the Company. ORD. NO. 564 12-5-77

21-305. RATES AND CHARGES. The City shall pay to the Company for Traffic Control Signal Service furnished by the Company hereunder at the rates and charges as provided for in Company's Rate Schedule 2-TR for Municipal Traffic Control Signal Service or any superseding schedule therefor as then in effect and on file with the State Regulatory Commission from time to time during the term hereof. ORD. NO. 564 12-5-77

21-306. BILLING. The method of payment for said Municipal Traffic Signal Service shall be provided in Section 6 of the City's Ordinance No. 361 (Franchise Ordinance), and in the event the Company should render bills as provided therein, the City shall pay all such bills for services furnished under this Agreement within fifteen (15) days after receipt thereof. If any such bill is not paid within such period, a default shall have incurred and the City shall become liable to pay the Company interest on such bill at the rate of ten percent (10%) per annum until such bill is paid. If any bill shall remain in default for ninety (90) days, the Company may, at its option, discontinue the furnishing of services provided for in this Agreement, until such time as the delinquent payments, together with all interest thereon, shall have been paid,

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and the City shall also be liable to the Company for the value of its investment (undepreciated original cost) in the Traffic Control System.

ORD. NO. 564 12-5-77

21-307. FORCE MAJEURE. The Company shall not be liable on account of any interruption or delay of service occasioned by, and shall have no obligation to furnish service hereunder during the time service is interrupted by, an Act of God or any other cause not within the control of the Company, including but not limited to, failure of facilities, load shedding for the protection or restoration of system operations, flood, drought, earthquake, storm, lightning, fire, explosion, epidemic, war, riot, civil disturbance, invasion, insurrection, labor disturbance, strike, sabotage, collision, or restraint or order by any court or public military authority having jurisdiction. Any strike or labor disturbance may be settled at the discretion of the Company.

ORD. NO. 564 12-5-77

21-308. LOCATIONS OF TRAFFIC CONTROL SYSTEM. A list of locations of the existing or authorized traffic control facilities included in the Traffic Control System is attached as Exhibit A hereto and made part hereof.

ORD. NO. 564 12-5-77

21-309. CITY'S RIGHT TO PURCHASE. The City shall have the right and option to purchase at the expiration of the Ordinance (the "purchase date"), upon one (1) year's written notice to the Company prior to the intended purchase date, only that portion of the Traffic Control System determined by the Company in use and useful and devoted exclusively to furnishing traffic signal service under this Ordinance ("the property to be sold"). The purchase price for the property to be sold shall be and consist of all of the following:

(a) the reproduction cost new less depreciation;
(b) consequential and severance damages which will result or accrue to the Company from the sale and transfer of said property to the City;
(c) an allowance for the loss of a portion of the Company's going concern value;
(d) all materials and supplies related uniquely to the property to be sold;
(e) all expenses in connection with such sale;
(f) all other damages sustained by the Company by reason of such sale.

ORD. NO. 564 12-5-77

21-310. PURCHASE OF ENERGY FOR CITY-OWNED SYSTEM. In the event the City, pursuant to Section 21-309 hereof elects to and does purchase the property to be sold, the City shall purchase and receive from the Company and the Company shall sell and deliver to the City for a period of ten (10) years from the purchase date all of the electric energy required for the operation of all City-owned traffic control facilities then or thereafter located within the certificated service territory of the Company at the applicable rate schedule for such service then or thereafter filed with and approved by the State Corporation Commission of the State of Kansas. ORD. NO. 564 12-5-77

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21-311. The Company shall at all times protect and save harmless the City from all damages or loss to persons or property for, or arising out of, or by reason of, the Company's negligence in the construction, maintenance, and/or operation of said traffic signals as provided for herein.

ORD. NO. 564 12-5-77

21-312. PUBLICATION AND ACCEPTANCE. Within thirty (30) days from and after the publication of this Ordinance in the official paper of the City, the Company, its successors, assigns or grantees, shall file with the City Clerk its written acceptance of the provisions hereof and upon said acceptance being filed as herein provided, this Ordinance shall constitute a contract between the City and the Company for the period set forth herein; in the event of the failure of the Company to file acceptance within the time specified in this section, this Ordinance shall ipso facto cease and become null and void.

ORD. NO. 564 12-5-77

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ARTICLE 4. GAS SERVICE COMPANY

21-401. FRANCHISE. That there is hereby granted to The Gas Service Company, a corporation operating a gas distribution system in the City of Leawood, herein called the Grantee, its successors and assigns, the right, privilege and franchise for a period of twenty (20) years from the effective date hereof, to construct, maintain and operate in the present and future streets, alleys, bridges and public places in said City, its gas distribution system as now located, together with the right, privilege and franchise to acquire, construct, maintain and operate therein and thereon such additions and extensions thereto as may be necessary or desirable, all for the purpose of supplying natural gas for all purposes to the inhabitants of said City and consumers in the vicinity thereof.

ORD. NO. 491 8-4-75 (Eff. 10-27-75)

21-402. RATES TO BE CHARGED. All rates established and charges made by Grantee for gas distributed and sold hereunder shall be subject to valid and lawful orders of the State Corporation Commission of the State of Kansas or other competent authority having jurisdiction in the premises and the sale of gas to consumers shall be governed by the present operating rules, regulations and customs of Grantee and such rules and regulations as may hereafter be prescribed and approved.

ORD. NO. 491 8-4-75 (Eff. 10-27-75)

21-403. SERVICE. That in consideration of and as compensation for the right, privilege and franchise hereby granted, the Grantee, its successors and assigns, shall furnish gas at such pressure and of such quality as shall be designated by lawful orders of the State Corporation Commission of said State, if such gas is reasonably procurable; shall furnish free of cost to each consumer a recognized standard meter or other instrument for measurement of gas sold or computation of consumer's bills and keep same in repair at its cost, which meter shall at all times be the property of the Grantee but subject to inspection by said City; shall at all times save the City harmless from any and all damages which said City may be liable to pay that may arise from the construction, maintenance and operation of its plant system or any part thereof; shall limit all excavations of streets, alleys or public places to the necessities of efficient operation and shall not at any one time open or encumber more of any highway or public place than shall be reasonably necessary to enable Grantee to proceed with advantage in laying or repairing mains or pipes and shall not permit such highway or public place to remain open longer than necessary for the purpose for which it was opened; shall refill all excavations and replace all pavement with like material and leave same in as good condition as when altered or removed; shall perform all work on streets, alleys and public places under supervision of a representative of said City if so desired; and shall repay said City all expense to which it has been put in the repair or replacement of streets, highways or pavements in the event such work is done by said City after the neglect or refusal of Grantee to perform same in reasonable time. ORD. NO. 491 8-4-75 (Eff. 10-27-75)

ARTICLE 4. GAS SERVICE COMPANY

21-404. REPORTS AND PAYMENT. As a further consideration for the rights, privilege and franchise hereby granted and in lieu of all occupation and license taxes, the Grantee shall not later than February 1st and August 1st respectively in each year make a report to the governing body of the City of Leawood of its gross receipts from the sale of gas for all purposes within said City for the six months' period ending at the last meter reading preceding December 31st and June 30th respectively; and at the time of making such report, pay into the City Treasury a sum equal to five (5%) per cent of said gross receipts from the sale of gas for domestic purposes, and one (1%) per cent of its gross receipts from the sale of gas for industrial purposes, which shall have accrued subsequent to the effective date of this franchise. Industrial sales shall be considered as those made under special contracts providing for stand-by fuel and interruption of service at any time demands of domestic consumers may so require. ORD. NO. 491 8-4-75 (Eff. 10-27-75)

21-405. ACCEPTANCE. That none of the privileges granted by this Ordinance shall take effect or be in force until after the expiration of sixty days from the date of its final passage and until Grantee, its successors and assigns, shall file within said sixty days with the City Clerk of said City, a written Acceptance of the provisions hereof; and after the expiration of sixty days if no Acceptance as hereinbefore provided has been filed, then this Ordinance shall ipso facto cease and become null and void. ORD. NO. 491 8-4-75 (Eff. 10-27-75)

ORDINANCE NO. 813

AN ORDINANCE PROVIDING FOR THE OPERATION OF A TELEPHONE SYSTEM; DEFINING THE MANNER AND PLACE OF CONSTRUCTION OF THE LINES OF SOUTHWESTERN BELL TELEPHONE COMPANY; PROVIDING FOR PAYMENTS AS OUTLINED IN SECTION 2 OF THIS ORDINANCE TO BE MADE TO THE CITY OF LEAWOOD, KANSAS; PROVIDING FOR THE TEMPORARY MOVING OR REMOVAL OF WIRES TO PERMIT THE MOVING OF STRUCTURES; GRANTING SOUTHWESTERN BELL TELEPHONE COMPANY PERMISSION TO TRIM CERTAIN TREES; PROVIDING FOR CERTAIN RIGHTS REGARDING THE PLACEMENT OF FACILITIES ON PROPERTY OF LEAWOOD, KANSAS OR SOUTHWESTERN BELL; PROVIDING THAT SUCH PRIVILEGES GRANTED TO SOUTHWESTERN BELL TELEPHONE COMPANY SHALL BE NON-EXCLUSIVE; AND REPEAL OF SECTIONS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTIONS. Section 1. Sections 21-501 through 21-508 of Revised Ordinances, as adopted by Ordinance No. 603, are hereby repealed and the following enacted in lieu thereof:

21-501. Section 2. The Southwestern Bell Telephone Company, its successors and assigns (herein referred to as Telephone Company) shall continue to operate its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the City of Leawood, State of Kansas (herein referred to as City). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said City shall remain as now constructed, subject to such changes as may be considered necessary by the City in the exercise of its inherent powers and by the Telephone Company in the conduct of its business, and said Telephone Company shall continue to exercise its right to place, remove, construct, and reconstruct, extend and maintain its said plant and appurtenances as the business and purposes for which it is or may be incorporated from time to time require, along, across, on, over, through, above and under all public streets, avenues, alleys, bridges, and the public grounds and places within the limits of said City as the same from time to time may be established.

21-502. Section 3. That for the period September 1, 1983 to August 31, 1988, inclusive, the Telephone Company shall pay the City a sum equal to two per cent (2%) of the Class of Service revenues for local exchange telephone communication service rendered wholly within the corporate limits of the City of Leawood, Kansas. Payment, for the initial period September 1, 1983 through August 31, 1984, shall be made on or about September 1, 1984. Thereafter, payments for the period September 1, 1984 through August 31, 1988, shall be payable quarterly sixty (60) days after the end of the quarter to which said payment shall apply, being a term of five (5) years ending August 31, 1988, and for successive terms of like duration, unless within four (4) months prior to the expiration of the initial term, or of the successive terms ending on each five (5) year anniversary following the expiration of the initial term, sixty (60) days written notice is given one party to the other of its intention to terminate the same at the expiration of the then current five (5) year term,

it being expressly understood that each subsequent five (5) year term provides for twenty (20) quarterly payments and said payments to be in lieu of all other licenses, charges, fees or impositions (other than the usual general or special ad valorem taxes) which might be imposed by the City under authority conferred by law. This agreement may also be terminated forthwith by the Telephone Company if authority to collect the amounts of such payments from its customers within the City shall be removed, cancelled, or withheld by legislative, judicial, or regulatory act. The Telephone Company shall also have the privilege of crediting such sums with any unpaid balance due said Company for telephone service rendered or facilities furnished to said City.

21-503. Section 4. The Telephone Company on the request of any applicant shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than fifteen (15) days written notice from the applicant detailing the time and location of the moving operations, and not less than twenty-four (24) hours advance notice from the applicant advising of the actual operation.

21-504. Section 5. Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company. All said branches and trimmings to be promptly removed by the Telephone Company. Said trimming shall be under the supervision and direction of any City official to whom said duties have been or may be delegated.

21-505. Section 6. Nothing in this ordinance shall be construed to require or permit any telephone, electric light, or power wire attachments by either the City or the Telephone Company on the poles of the other. If such attachments are desired by the City or the Telephone Company, then a separate non-contingent agreement shall be a prerequisite to such attachments.

21-506. Section 7. Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, nor shall it affect any prior or existing rights of the Telephone Company to maintain a telephone system within the City.

21-507. Section 8. All other ordinances and agreements and parts of ordinances and agreements relating to the operation of a telephone system within said City are hereby repealed.

21-508. Section 9. The said Telephone Company shall have sixty (60) days from and after passage and approval of this ordinance to file its written

acceptance of this ordinance with the City Clerk, and upon such acceptance being filed, this ordinance shall be considered as taking effect and being in force from and after the date of its passage and its publication as provided by law.

First Reading: 5/7/84 Second Reading: 5/21/84 Third Reading: 6/4/84

Passed by the Governing Body this 4th day of June, 1984.

Approved by the Mayor this 4th day of June, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ARTICLE 5. SOUTHWESTERN BELL TELEPHONE COMPANY

21-501. FRANCHISE. Southwestern Bell Telephone Company, its successors and assigns (herein referred to as "Telephone Company") shall continue to operate its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the City of Leawood, State of Kansas (herein referred to as "City"). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said City shall remain as now constructed; subject to such changes as may be considered necessary by the City in the exercise of its inherent powers and by the Telephone Company in the conduct of its business, and said Telephone Company shall continue to exercise its right to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as the business and purposes for which it is or may be incorporated may from time to time require, along, across, on, over, through, above and under all the public streets, avenues, alleys, bridges, and the public grounds and places within the limits of said City as the same from time to time may be established.

Repealed by Ord 813

ORD. NO. 603 Passed 9-5-78
Acceptance Filed 10-5-78

21-502. PAYMENT. That for the period September 1, 1978 to August 31, 1979, inclusive, the Telephone Company shall pay the City on October 15, 1978, a sum equal to two percent (2%) of the Class of Service revenues for local exchange telephone communication service rendered wholly within the corporate limits of the City of Leawood during the twelve (12) months period immediately preceding September 1, 1978, and annually thereafter on the first day of October for the same period beginning each September 1 a like sum based upon two percent (2%) of the Class of Service revenues derived from local exchange telephone communication service during the twelve (12) months immediately preceding the first day of September of the year for which such payment is made, being a term of five (5) years ending August 31, 1983 and for successive terms of like duration, unless within four (4) months prior to the expiration of the initial term or of the successive terms ending on each five (5) year anniversary following the expiration of the initial term sixty (60) days written notice is given one party to the other of its intention to terminate the same at the expiration of the then current five (5) year term; it being expressly understood that each five (5) year term provides for five (5) annual payments; said payments to be in lieu of all other licenses, charges, fees or impositions (other than the usual general or

special ad valorem taxes) which might be imposed by the City under authority conferred by law. This agreement may also be terminated forthwith by the Telephone Company if authority to collect the amounts of such payments from its customers within the City shall be removed, cancelled, or withheld by legislative or regulatory act. The Telephone Company shall also have the privilege of crediting such sums with any unpaid balance due said Company for telephone service rendered or facilities furnished to said City.

ORD. NO. 603 Passed 9-5-78
Acceptance Filed 10-5-78

Repealed by Ord. 813

21-503. SERVICE. The Telephone Company on the request of any applicant shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than fifteen (15) days written notice from the applicant detailing the time and location of the moving operations, and not less than twenty-four (24) hours advance notice from the applicant advising of the actual operation.

ORD. NO. 603 Passed 9-5-78
Acceptance Filed 10-5-78

21-504. Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company, all the said trimming to be done under the supervision and direction of any City official to whom said duties have been or may be delegated.

ORD. NO. 603 Passed 9-5-78
Acceptance Filed 10-5-78

21-505. Nothing in this ordinance shall be construed to require or permit any telephone electric light, or power wire attachments by either the City or the Telephone Company on the poles of the other. If such attachments are desired by the City or the Telephone Company, then a separate non-contingent agreement shall be a prerequisite to such attachments.

ORD. NO. 603 Passed 9-5-78
Acceptance Filed 10-5-78

ARTICLE 5. SOUTHWESTERN BELL TELEPHONE COMPANY

21-506. Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, nor shall it affect any prior or existing rights of the Telephone Company to maintain a telephone system within the City.

ORD. NO. 603 Passed 9-5-78
Acceptance Filed 10-5-78

repealed by Ord. 813

21-507. All other ordinances and agreements and parts of ordinances and agreements relating to the operation of a telephone system within said City are hereby repealed.

ORD. NO. 603 Passed 9-5-78
Acceptance Filed 10-5-78

21-508. ACCEPTANCE. The said Telephone Company shall have sixty (60) days from and after its passage and approval to file its written acceptance of this ordinance with the City Clerk, and upon such acceptance being filed, this ordinance shall be considered as taking effect and being in force from and after the date of its publication in the official City newspaper.

ORD. NO. 603 Passed 9-5-78
Acceptance Filed 10-5-78

ARTICLE 6. TELECABLE

21-601. SHORT TITLE. This ordinance shall be known as "The Community Antenna Television Franchise Ordinance of the City of Leawood, Kansas" and may herein and hereafter be cited as Leawood CATV Franchise Ordinance.

ORD. 420 S 3-6-72

21-602. DEFINITIONS. The following terms, phrases, words and their derivations shall have for the purposes of this ordinance the meanings herein stated; provided that when not inconsistent with the context, words used in the present tense shall include the future, and words in the plural shall include the singular number, and words in the singular number shall include the plural number; provided further that the word "shall" is to be construed as mandatory and not simply directive; provided further that the following definitions shall herein apply:

A. "City" shall mean the City of Leawood, Kansas, a municipal corporation, or its successors, and shall include when appropriate to the use of the term in context, the territorial boundaries of said City as now constituted or as shall hereafter exist;

B. "Governing Body" shall mean the present legislative body of the City of Leawood, Kansas, or any successor to the legislative powers of said present governing body;

C. "Committee" shall mean a CATV Committee appointed by the Mayor and approved by the City Council to act in matters related to CATV;

D. "Franchise" shall mean and include the right to conduct and operate a community antenna television system within said City subject to the terms and conditions hereinafter stated in the above captioned ordinance;

E. "Franchisee" shall mean TELECABLE OF OVERLAND PARK, INC., its subsidiaries and affiliated companies or its successors, transferees or assigns which is granted the franchise, the terms and conditions of which are provided herein;

F. "Street" shall mean any public street, roadway, highway, alley, or other public right of way now or hereafter subject to the jurisdiction and regulations of the City of Leawood, Kansas, as provided by the laws of the State of Kansas and any subsequent amendments thereof;

G. "Community Antenna Television System" hereinafter referred to as "CATV System" shall mean an electronic system with properties and facilities suitable for the interception and receipt of electromagnetic radiation, and the transmission and distribution of same to subscribers by means of cables and other related facilities;

H. "Channel" means a band of frequencies in the electromagnetic spectrum which is capable of carrying either one audio-video television signal and a number of non-video signals, or several hundred non-video signals;

I. "Subscriber" shall mean any person which receives from the franchisee herein named, the services of said franchisee's community antenna television system, or any other services provided by the franchisee;

J. "Person" shall mean any individual or association of individuals, any political subdivision or any firm, corporation, or other business organization; and

K. "Gross Annual Receipts" shall mean and include any and all compensation and other legal consideration of any form whatsoever, and any contributing grant or subsidy received directly or indirectly by the franchisee herein named, from subscribers or users of said franchisee's services given in payment for said services, received by said persons within said City;

provided that said Gross Annual Receipts shall also include any other revenues attributable to the CATV system and related operations in the City earned by said franshisee and/or lessee of channels or channel time from sources not otherwise enumerated herein; provided further that the Gross Annual Receipts of said franchisee shall not include any taxes on services furnished by said franchisee which are imposed directly upon any subscriber by the United States of America, or any state, city, or other political subdivision of the State of Kansas and collected by said franchisee on behalf of and for the benefit of any such government or political subdivision.

In the event the franchisee shall receive any revenue from any advertisement disseminated to subscribers both within and without the City, Gross Annual Receipts shall, with respect to such advertisement, include an amount derived by multiplying such revenue by a fraction, the numerator of which is the number of subscribers in the City reached by such advertisement and the denominator of which is the total number of subscribers reached by such advertisement. ORD. 420 S 3-6-72

21-603. GRANT OF NON-EXCLUSIVE FRANCHISE. The City of Leawood hereby grants unto the franchisee herein named a non-exclusive franchise to construct, erect, operate and maintain a community antenna television system within said City, and in so doing to use the streets of said City by erecting, installing, constructing, repairing, replacing, reconstructing, maintaining, and retaining in, on, under, upon, or across any such streets, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be necessary and appurtenant to a CATV system, and in addition, so to use, operate and provide for all or part of such facilities by service offerings obtained from any franchised or operating utility company providing service within said City.

The authority hereby granted to conduct a CATV system within said City, and to use and to occupy the streets thereof does not and shall not be deemed an exclusive right or permission, and said City expressly reserves the right to grant other non-exclusive franchises to persons, firms, corporations or other business organizations, to construct, operate, and maintain other CATV systems within said City; but no such additional franchises shall in any way affect the rights or obligations of the franchisee herein named and set forth in this ordinance.

ORD. 420 S 3-6-72

21-604. CHANNEL ALLOCATION. The franchisee herein named shall transmit and distribute to its subscribers such electromagnetic radiation as are now, and may hereafter, be authorized by the Federal Communications Commission or any other administrative agency of the United States, the several states, or political subdivisions thereof having jurisdiction to regulate such activity.

Initial channel utilization of the system shall be allocated as follows:

1. Up to twelve channels for the off-air pickup and redistribution of signals from television broadcast facilities.
2. Two channels for the display of time, weather, news, and background music.
3. One channel for local programming originated by the franchisee.
4. One channel for use by the City of Leawood, jointly with other cities serviced by TeleCable of Overland Park, Inc., in Johnson County, Kansas.
5. Two channels for use by the public school and parochial districts located within the corporate limits of Leawood, Kansas.

6. One channel for public access on a leased channel basis.
7. One channel for the distribution of signals broadcast by FM radio stations.

The initial channel utilization authorized in this section shall be subject to allocation or reallocation by the Committee. The franchisee shall make representations to the Committee as to the proper allocations to be made in the light of the developments in the state of the art, the use of CATV as communications, educational, and entertainment media and the regulations of the F. C. C.

As channel utilization is increased, upon request by the franchisee, the Committee may allocate or reallocate the channel utilization and/or the increased channel utilization. The Committee shall approve whatever allocation is made of the available capacity of the CATV system. ORD. 420S 3-6-72

21-605. TERM OF FRANCHISE. The franchisee herein named accepts and agrees to the terms and conditions set forth in this franchise ordinance by filing its acceptance in the office of the City Clerk of Leawood within 30 days from the effective date of this ordinance.

The franchisee's failure to timely file said acceptance as herein provided shall cause this ordinance to be deemed void and of no further force and effect.

The franchise shall become effective on the date accepted by the franchisee. It shall remain effective for twenty years, unless sooner terminated as herein provided. However, the governing body shall have the option, upon review, to terminate this contract, for reasonable cause, at the end of ten (10) years from the effective date. At that time, the governing body shall have the further option to make such reasonable modification of terms as it may approve in which case the franchisee shall have the right to accept or reject such terms. ORD.420S 3-6-72

21-606. FRANCHISE PAYMENTS. The franchisee herein named shall pay to the City during the term of said franchise a sum equal to seven (7) per cent of the Gross Annual Receipts; provided that payment of said sum will be made quarterly, the first quarterly payment being due thirty (30) days after the expiration of three (3) months from the date upon which the term of the franchise herein granted commences, and that subsequent quarterly installments shall mature and be due and owing the city in like manner as herein provided; provided further that it is expressly understood that during the term of this franchise, said City will receive eighty (80) quarterly payments from said franchisee as herein provided, all as provided by K. S. A. 12-2001 paragraph Fifth, thereof. ORD. 420S 3-6-72

21-607 REPORTS

A. During the first two years of this franchise, the franchisee shall furnish the Committee with progress reports and maps indicating in detail the area of construction of the CATV system. Such periodic reports shall be furnished at monthly intervals, the first report to be made sixty (60) days from the effective date of the franchise. Thereafter, on the anniversary of the effective date of the franchise, the franchisee shall file said map or set of maps showing all CATV equipment installed in the city as of said anniversary date.

B. Within sixty (60) days from the effective date of its franchise, the franchisee shall submit to the Committee for approval a plan of the entire city indicating the date on which the franchisee expects the installation of the CATV system to be completed and available for service to subscribers in the various areas of the city.

C. For the purpose of the city's evaluation of the operation of the channels, the company shall file quarterly with the Committee and governing body a

report or log describing the use being made, and the users, of such channels.

D. Within ninety (90) days after the expiration of each of the franchisee's fiscal years, the franchisee named herein shall submit to the Governing Body financial statements examined and reported thereon by Certified Public Accountants. The financial statements shall clearly show the gross annual receipts of said franchisee during the preceding fiscal year, said receipts to be determined as defined herein; provided that in the event said franchise is terminated or forfeited prior to the end of the twenty (20) year term herein provided, the franchisee shall immediately submit to the Governing Body financial statements and related report of said franchisee as hereinbefore required, showing the gross receipts of said franchisee for the period that has elapsed since the end of the period covered by the last such financial statements, provided further that within thirty (30) days following the termination or forfeiture of said franchise, the franchisee will pay to said City a sum equal to the percentage of said gross annual receipts as have accrued to said franchisee for the aforementioned period; provided further that said City reserves the right to independently examine said franchisee's gross annual receipts from which its franchise payments are computed, and any discrepancy between said examination and that filed by the franchisee with the Governing Body which results in the City's receiving a lesser sum than that which is due and owing from said franchisee will be determined and paid forthwith to said City; provided further that the City's acceptance of any payment determined as hereinbefore provided, to be deficient, shall not be construed as a release of liability from said City or an accord and satisfaction of any claim said City may have for additional sums owed by said franchisee as hereinbefore provided.

E. Within five (5) days after the franchisee, its affiliates and/or subsidiaries have filed a report, petition, or communication with any City, State or Federal agency pertaining to any aspect of operations pertaining to this franchise or the financial arrangements thereof, it shall file a copy of such report, petition or communication with the Committee.

ORD. NO. 420 S 3-6-72

cc. Mayor
City Admin.

TELE CABLE
Cable Television

TeleCable of Overland Park, Inc.
8221 W. 119th Street
Post Office Box 12922
Overland Park, Kansas 66212
Telephone (913) 381-6622

March 20, 1984

To: Clerks of communities served
by TeleCable

In accordance with your community's cable TV franchise ordinance, TeleCable hereby files with the clerk's office a schedule of rates in effect for our services.

These rates reflect the addition of the SportsTime service option, which begins April 3, 1984.

Sincerely,

TELECABLE OF OVERLAND PARK INC.

James D. Pirner
General Manager

RATES CHARGED BY TELECABLE FOR CABLE TELEVISION SERVICES

RESIDENTIAL

Installation	
Normal installation of outlet	15.00
Normal installation of additional outlet, same trip	7.50
Relocation of outlet	15.00
Installation of optional services or placement of decoder	15.00
Startup additional optional service	15.00
Reconnection of service	15.00
Transfer of service	7.50
Extraordinary wiring to include optional underground lines, fishwalls, long cords, hookup of home video recorders or other customer video devices, other non-routine wiring	Cost plus 10%

Monthly charges	
Basic cable, first outlet	7.95
Basic cable, each additional outlet	1.50
Home Box Office premium channel	9.50
Showtime premium channel	9.50
Cinemax premium channel	9.50
Satellite Alternative Television (SAT) package of several optional channels, added to basic)	6.00
SAT package with one premium channel	4.00
SAT package with two premium channels	2.00
SAT package with three premium channels	1.00
Disney Channel with basic	9.50
Disney Channel with one premium channel	8.50
Disney Channel with two premium channels	7.50
Disney Channel with three premium channels	5.50
SportsTime with 0 or 1 premium channels	12.50
SportsTime with 2 or 3 premium channels	10.50
Remote control tuning device	4.00
Remote control device with SAT and/or one premium	2.00
Remote control device with SAT/2 or more premiums	No Charge
Remote control device with two premium channels	1.00
Deluxe decoder with parental control features	1.50
Stereo audio for MTV	2.00
Extra decoders for add outlets, home video devices, other optional uses (only when supply from vendor permits)	9.50

Commercial rates available on request. Estimates provided in advance for wiring of commercial buildings.

Add retail sales taxes and local franchise taxes to all rates as required by law.

cc: Mayor
City Adm.

RECEIVED
JUN 17 1982
CITY OF LEAWOOD

TELE CABLE
Cable Television

TeleCable of Overland Park, Inc.
8221 W. 119th Street 66204
P.O. Box 12922
Overland Park, Kansas 66212
Telephone (913) 381-6622

June 15, 1982

To: Clerks of communities served by TeleCable

In accordance with your community's cable TV franchise ordinance, TeleCable hereby files with the clerk's office a schedule of rates in effect for our services.

These rates take effect June 24, 1982. The only difference from the previous filing is the addition of optional channels not available previously.

Sincerely,

TELECABLE OF OVERLAND PARK, INC.

James D. Pirner

James D. Pirner
General Manager

RATES CHARGED BY TELECABLE FOR CABLE TELEVISION SERVICES

RESIDENTIAL

Installation	
Normal installation of outlet	15.00
Normal installation of additional outlet, same trip	7.50
Relocation of outlet	15.00
Installation of premium, optional services, or placement of decoder	15.00
Start up additional optional service	15.00
Reconnection of service	15.00
Transfer of service to new home	7.50
Extraordinary wiring to include optional underground lines, fishwalls, long cords, hookup of home video recorders or other customer video devices, other non-routine wiring	Cost plus 10%
Monthly Charges	
Basic cable, first outlet	8.50*
Basic cable, each additional outlet	1.50
Home Box Office premium channel	9.95
Showtime premium channel	9.95
Cinemax premium channel	9.95
Satellite Alternative Television (SAT) package of several optional channels, added to basic	6.00
SAT package with one premium channel	4.00
SAT package with two premium channels	2.00
SAT package with three premium channels	1.00
Remote control tuning device	4.00
Remote control device with SAT and/or one premium channel	2.00
Remote control device with two premium channels	1.00
Remote control device with SAT/two or more premium channels	No Charge
Extra decoders for add outlets, home video devices, other optional uses	5.00
Stereo audio	2.00

Commercial rates available on request. Estimates provided in advance for wiring of commercial buildings.
Sales tax, as applicable, added to all rates as required by law.

*8.35 in Prairie Village due to difference in franchise tax.

Jan. '84

RATES CHARGED BY TELECABLE FOR CABLE TELEVISION SERVICES

RESIDENTIAL

Installation	
Normal installation of outlet	15.00
Normal installation of additional outlet, same trip	7.50
Relocation of outlet	15.00
Transfer of service to new home	7.50
Reconnection of existing outlet	7.50
Extraordinary wiring to include optional underground lines, fishwalls, long cords, hookup of home video recorders or other customer video devices, other non-routine wiring	Cost plus 10%
Installation of Home Box Office premium channel	15.00
Monthly charges	
Basic cable, first outlet	8.50*
Basic cable, each additional outlet	1.50
Home Box Office premium channel	9.95

Commercial rates available on request. Estimates provided in advance for wiring of commercial buildings.

Sales tax, as applicable, added to all rates as required by law.

*8.35 in Prairie Village due to difference in franchise tax.

21-608. SUBSCRIBERS' RATE SCHEDULE. Monthly rates for subscriber service shall be determined by franchisee and shall be uniform throughout the City for each type of service. Franchisee shall file with the City Clerk a schedule of current rates in effect.

Subscriber rates for installation shall be determined by franchisee and shall be uniform, except where extraordinary installation procedures are required in order to establish service, in which case franchisee may charge the subscriber the actual cost of materials and labor plus ten per cent.

The Governing Body of the City of Leawood may at any time require franchisee to provide sufficient financial information in order for the City to determine whether the unregulated rates charged to Leawood customers are in fact uniform and reasonably related to the cost of service.

Where a subscriber's service is disconnected for non-payment of monies due, franchisee is authorized to collect a reconnection fee.

ORD. NO. 636 6-18-79

21-608.1. COST OF PUBLICATION. Pursuant to K.S.A. 12-2001, the cost of publication of this ordinance shall be borne by TeleCable of Overland Park, Inc.

ORD. NO. 636 6-18-79

21-609. FRANCHISEE'S OPERATING REGULATIONS. The franchisee shall on the date it commences construction of its CATV system, or a date not later than sixty (60) days thereafter, file with the Committee the proposed rules, regulations, and rates governing the franchisee's extension of service to its subscribers, channel users and lessees, for approval by the governing body; provided that if the governing body has not filed with said franchisee its written objection to any or all of said proposed rules and regulations within sixty (60) days after the same shall have been filed, said proposed rules and regulations shall be deemed approved; provided further that said franchisee may thereafter modify or change such rules and regulations by filing with the Committee such proposed changes or modifications as hereinbefore provided, and the same shall be approved or rejected in like manner; provided further that in the event the governing body of said City rejects the proposed rules and regulations or any proposed change or modification thereof, said franchisee shall be entitled to a hearing before said governing body for consideration of such proposed rules and regulations or any proposed changes or modifications thereof at the next regular meeting following said governing body's rejection of the same by a resolution adopted at a regular meeting of said body. ORD. NO. 420 S 3-6-72

21-610. NOTICE TO PARTIES. Whenever, under the terms of this franchise ordinance, either party hereto shall be required or permitted to give notice to the other, such notice shall be in writing, and if to be served upon the City, it shall be delivered either by first class United States mail addressed to the office of the Mayor and governing body of said City or by personal delivery of the same to said persons or their duly authorized agent for receiving the same, and if said notice be addressed to said franchisee, the same shall be delivered by either first class United States mail addressed to an officer or the resident agent of said frnachisee at the registered office of said franchisee or its resident agent, or by personally delivering the same to such person as hereinbefore provided, or such other person as said franchisee shall from time to time direct. ORD. NO. 420 S 3-6-72

21-611. FRANCHISEE'S DUTY TO COMPLY WITH STATE AND FEDERAL LAW. Notwithstanding any other provisions of this franchise ordinance to the contrary, the franchisee shall at all times comply with all laws and regulations of the United States and the several states and any political subdivision thereof, or any administrative agency thereof, having jurisdiction to regulate community antenna television systems; provided that franchisee's failure to comply with any law or regulation governing the operation of said CATV system may result in a forfeiture of the privileges conferred by this franchise ordinance when so determined by the governing body of said City as adopted by ordinance at one of its regular meetings. ORD. NO. 420 S 3-6-72

21-612. LOCATION OF FRANCHISEE'S PROPERTIES IN THE PUBLIC WAY. The franchisee in the construction of its facilities to provide service to its sub-

scribers shall use the existing poles and other properties of franchised public utility companies operating with the city, or shall bury its facilities in a manner and location approved by the Committee, and said franchisee shall not construct, erect, or maintain any supporting poles or other properties within the public streets of said City for the operation of its CATV System except upon the express consent and permission of said City given in writing by the Committee; provided that said franchisee shall not be prohibited from relocating its facilities if the poles and other properties on or upon which said facilities attach and are affixed are relocated by the owners of said properties, nor shall the franchisee be prohibited from constructing, operating, and maintaining its facilities upon other poles and properties of said franchised public utility companies as may hereinafter be constructed; provided further that, wherever within the city all or any part of the properties of the franchised public utility company with which said franchisee named herein has contracted for the use of said facilities, shall be located underground, it shall be the obligation of said franchisee to construct, operate, and maintain its properties underground in such locations; provided further that if existing properties of the franchised public utility companies with which said franchise herein named has contracted, relocate said properties underground, said franchisee shall forthwith relocate its properties, formerly attached thereto, underground in such places. However, the City reserves the right to permit said franchisee to maintain its existing facilities above ground in said locations whenever its Committee shall so direct the same in writing to said franchisee. ORD. 420S 3-6-72

21-613. RELOCATION OF FRANCHISEE'S PROPERTY. Whenever the City shall request of the franchisee the relocation or reinstallation of any of its properties along and within any of the streets of said City, said franchisee shall forthwith remove, relocate, or reinstall any such property as may be reasonably necessary to meet said request and the cost of such relocation, removal, or reinstallation of said properties shall be the exclusive obligation of said franchisee; provided that said franchisee shall upon request of any person holding a validly issued building or moving permit of said City, said request having been given in writing to said franchisee not less than forty-eight (48) hours prior to the date upon which said person intends to exercise its rights under said permit, said franchisee shall thereupon temporarily raise, lower, or relocate its wires or other property as may be required for said person to exercise the rights and privileges of its permit, and said franchisee may require said person to make payment in advance for any expenses incurred by said franchisee pursuant to said person's request. ORD. 420S 3-6-72

21-614. FRANCHISEE'S DUTY TO REMOVE ITS PROPERTIES FROM THE PUBLIC WAY. Following the franchisee's commencement of service through and over its CATV system, said franchisee shall promptly remove from the public streets and other public ways where its properties are located, all or any part of its facilities so located, when one or more of the following enumerated conditions occur;

A. That said franchisee ceases to use any part, or all, of its CATV system for a continucus period of twelve months from the date of said occurrence;
B. That said franchisee fails to construct said system as hereinbefore and hereinafter provided;
C. That said franchise is terminated or revoked pursuant to any provision herein.

Provided that said franchisee shall be entitled to receive notice in writing from said City setting forth one or more of the occurrences hereinabove enumerated, or such other occurrence hereinbefore or hereinafter provided, and that said franchisee shall have ninety (90) days from the date upon which said notice is received to remove said properties as hereinabove required. ORD. 420S 3-6-72

21-615. AUTHORITY OF THE CITY TO REQUIRE REMOVAL OF FRANCHISEE'S PROPERTIES FROM THE PUBLIC WAY. The Committee is herein and hereby authorized to enforce the provisions of Section 21-614 of this franchise ordinance as hereinafter provided:

A. That the Mayor shall notify said franchisee in writing of any occurrence provided for in Section 21-614 hereof, for which said franchise may be terminated, forfeited, revoked, or declared void by said City, and that within ninety (90) days following receipt of said notice, said franchisee shall remove from the public streets and all other public ways of said City upon, over, and under which its properties are located, all of said properties unless otherwise authorized and permitted by said Mayor.

B. The Committee may declare abandoned any property of said franchisee remaining in place ninety (90) days after notification from said Mayor as hereinabove provided, and the same shall be considered permanently abandoned property unless said Mayor extends the time for removal of said property for a period not to exceed thirty (30) additional days.

C. Any property abandoned by said franchisee as hereinabove or hereinafter provided shall become the property of the City and said franchisee agrees to execute and deliver an instrument in writing, transferring its ownership interest in any such property to said City; provided that any notice given said franchisee by the Mayor, as provided herein, shall be deemed notice to any other persons claiming interest in said property of the franchisee, and said persons shall be subject to all provisions herebefore provided in Sections 21-614 and 21-615. ORD. 420S 3-6-72

21-616. STANDARDS FOR CONSTRUCTION OF FRANCHISEE'S FACILITIES. Construction of Facilities:

1. The construction of the properties and facilities of said franchisee's CATV system shall conform to the standards of the latest edition of the National Electrical Code of the National Board of Fire Underwriters at the time any such properties and facilities shall be constructed or reconstructed; provided further that said construction shall be in conformance with all laws and regulations of the United States of America and State of Kansas and any political subdivisions thereof, or any administrative agency thereof, having jurisdiction to regulate the construction of said CATV system.
2. All transmission and distribution structures, lines, and equipment erected by the franchisee within the City shall be so located as to cause minimum interference with the proper use of streets, easements and swales, sidewalks, alleys and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who join any of the said streets, easements and swales, sidewalks, alleys or other public ways and places.
3. The franchisee shall have the authority to trim trees which are located upon and overhang the public streets and other public ways of said City,

so as to prevent the branches of such trees from coming into contact with the franchisee's properties; provided that said City may require that such work be done by the City or other persons whom it shall designate and the expense of such work shall be assessed and charged to the franchisee.

4. The franchisee shall not construct or reconstruct any of its CATV system located upon, over, under, or within the public streets or public ways of said City without first having submitted in writing a description of its planned improvement to the Committee and having received a permit for such improvement from the City.
5. The franchisee shall establish and maintain a television studio for the joint use of Leawood, Kansas, and other cities serviced by TeleCable of Overland Park, Inc., in Johnson County, Kansas, with color telecasting equipment, video tape recording and playing facilities and vehicles and equipment for remote telecasting. Said studio shall be available for use by the City for broadcasting over its Channel as provided in Section 21-604, for up to five (5) hours per week at no charge; and shall be available for use by the users of the public service channel as outlined in Section 21-604. This studio shall be located within a ten (10) mile radius of the City Hall of Leawood, Kansas, and shall be located in the State of Kansas.
6. The franchisee shall install a reverse-direction audio and visual capability for at least three channels in the CATV system at the time of the initial installation of its facilities in the City. ORD. 420S 3-6-72

21-617. STANDARDS FOR OPERATING AND MAINTAINING FRANCHISEE'S CATV SYSTEM.

A. Operational Standards
   1. Franchisee's CATV system shall be constructed, operated, and maintained in accordance with the highest accepted standards of the Community Antenna Television industry to insure that the subscriber receives the highest quality of service.
   2. The franchisee shall undertake any construction and installation as may be necessary to keep pace with the latest developments in the state of the art, whether with respect to increasing channel capacity, furnishing improved converters, instituting two-way services, or otherwise.
   3. The franchisee shall furnish to its subscribers and customers for all services the best possible signals available under the circumstances existing at the time, and shall provide quality reception to each subscriber so that both sound and picture are produced free from visible and audible distortion and ghost images on standard television receivers in good repair.
   4. Whenever the franchisee redistributes off air pickup of the regular programing transmitted by any local or distant commercial station, said programing shall not be interrupted or interspersed by any additional commercials and shall be presented in its entirety.
B. The system shall be designed and rated for 24 hour a day continuous operation.
C. Maintenance of System
   1. The Company shall put, keep and maintain all parts of the CATV System in good condition.

2. The franchisee shall respond to all service calls within twenty-four (24) hours and correct malfunctions as promptly as possible, but in all events, within seventy-two (72) hours after notice thereof, for that purpose the franchisee shall provide for competent, adequate and prompt service to its subscribers.
3. Except where there exists an emergency situation necessitating a more expedited procedure, the franchisee may interrupt service, for the purpose of repair or upgrading of the CATV System, only during periods of minimum use, and only after forty-eight (48) hours minimum notice to its subscribers.

D. Subscriber Service

Franchisee's services must be made available to all persons requesting such services within the City, on a non-discriminatory basis.

Upon the reasonable request for service by any person located within the City, the franchisee shall furnish the requested service to such person as follows:

1. During the construction period, service shall be furnished as the distribution cable installed without regard to type of installation required.
2. After the initial installation, the franchisee shall, within thirty (30) days, furnish the requested service, but in the order of request without regard to the type of installation required.
3. A request for service will be unreasonable for the purpose of paragraphs 1 and 2 above if no distribution cable installation capable of servicing that person's block has as yet been installed, or, if occurring at any time and direct access cannot be obtained to such person's premises and all other means of access are highly impracticable.

E. The franchisee will maintain and provide to its subscribers an office convenient to subscribers, which shall be available to said subscribers during normal business hours of every day, Monday through Friday inclusive, for the purpose of receiving complaints or requests for repairs, adjustments, or other service caused by some failure or malfunction of the system, and said franchisee shall provide its subscribers with facilities for receiving requests and complaints for service at a time other than that herein provided. ORD. 420S 3-6-72

21-618. COMMENCEMENT OF CONSTRUCTION OF CATV SYSTEM. Franchisee shall within thirty (30) days following the date upon which its acceptance of the terms of this franchise ordinance is filed with the City, commence the construction of its CATV system; provided that the governing body of said City may grant to said franchisee an extension of time for the initial commencement of construction of said system, but that in no event, shall said franchisee be granted an extension of time more than 365 days following the date upon which its acceptance of said franchise is filed with the City; provided further that said franchisee shall be able and willing to render service within 365 days to all of the City unless the governing body of said City shall grant an extension of said period in the manner hereinabove provided, but said extension shall not be for a period longer than one (1) year from the date upon which franchisee commences construction of its CATV system.

After the entire city has been provided service capability, the franchisee shall within ninety (90) days following notification by the City, commence to in-

stall service to any area of the City which is not now developed, provided that said area is then being improved and developed. ORD. 420S 3-6-72

21-619. RIGHTS RESERVED TO THE CITY. Without limitation upon the rights which the City might otherwise have, said City does hereby expressly reserve the following rights, powers and authorities:

A. The right to exercise the governmental powers, now or hereafter, vested in, or granted to, said City; and as are reserved to the City under K. S. A. 12-2001.
B. The right to grant additional CATV franchises within said City subject to the provisions of Section 21-603 hereof;
C. The right of the governing body of said City to determine questions of fact arising from the interpretation and enforcement of the terms, conditions, and provisions of this franchise ordinance, and that such determinations shall be binding upon the parties hereto. ORD. 420S 3-6-72

21-620. CITY'S FAILURE TO ENFORCE THE TERMS AND CONDITIONS OF THIS FRANCHISE. The City's failure to enforce and remedy any non-compliance by the franchisee of the terms and conditions of this franchise ordinance shall not constitute a waiver of said City's rights hereunder, and said franchisee shall continue to perform its obligations as herein provided. ORD. 420S 3-6-72

21-621. CONDITIONS FOR FORFEITURE OF FRANCHISE AND PENALTIES. In addition to all other rights and powers herein reserved or otherwise enjoyed by the City, said City reserves as an additional and separate remedy the right to revoke the franchise herein granted and all rights and privileges of said franchisee conferred hereunder, upon the occurrence of any of the following events:

A. That franchisee fails to remedy within thirty (30) days following the date upon which written notice is received of said franchisee's failure to comply with the provisions of this franchise ordinance whether the same be committed by act or omission, the violation set forth in said notice; or
B. That any provision of this franchise ordinance is adjudged by a Court of Competent Jurisdiction to be invalid or unenforceable and said judicial act and declaration is deemed by the governing body of said City to constitute such a meterial consideration for the granting of said franchise as to cause the same to become null and void; or
C. Franchisee is adjudged a bankrupt, becomes insolvent, suffers a transfer of its properties pursuant to an action of its creditors upon an instrument or judicial declaration securing said creditor's interest in said properties, and thereafter the same be not redeemed by said franchisee within thirty (30) days from the date of said transfer, or said franchisee is otherwise unable or unwilling to pay its debts and obligations as the same accrue; or
D. The franchisee commits an act of fraud or deceit against said City in obtaining the grant of the franchise herein conferred, or upon being granted said franchise commits such an act against said City; or
E. Franchisee transfers or attempts to transfer any of its properties for the purpose of preventing the City from purchasing and acquiring the same as said City may herein be entitled so to do; or
F. The City condemns by lawful exercise of its power of eminent domain all of the properties of said franchisee located within said City; franchisee

challenges or adjudicates, in a court of competent jurisdiction, any claim against said City, alleging that any provision, term, or condition of the franchise herein granted is unreasonable, arbitrary, or void, or that said City did not have the power or authority to make such provision, term, or condition in enacting this franchise ordinance; or

G. Franchisee shall give to any person, firm, corporation or other business association, preference or advantage over some other person in assessing and levying its rates and charges, or in serving its subscribers, or in enforcing its rules and regulations, or in any other respect; or

H. No revocation except for the reason of condemnation, as provided in subparagraph "F" hereof, shall be effective unless, or until, the governing body of said City shall find at one of its regular meetings or such other special meeting as may be required, that a violation of the terms and conditions of said franchise ordinance as herein set forth, was committed or occurred by said franchisee; provided further that the revocation and repeal of this franchise ordinance shall become effective only upon the enactment of an ordinance by said governing body of said City adopted not sooner than a date thirty (30) days following the date upon which said franchisee is notified of any alleged act or commission for which said franchise may be revoked, as herein provided.

I. For violation of material provisions of this Ordinance, penalties shall be chargeable to the franchisee as follows:

1. For failure to submit plans indicating expected dates of installation of various parts of the CATV System: $100 per day.
2. For failure to commence operations as provided herein: $200 per day.
3. For failure to commence and complete construction and installation of CATV System as provided herein: $500 per day.
4. For failure to supply data requested by the governing body or Committee in connection with installation, construction, customers, finances or financial reports, or rate review, as provided herein: $50 per day.
5. For persistent failure to comply with reasonable recommendations of the governing body relating to rates or services as provided for herein, and/or interconnections, sub-districting, as provided herein, and such other reasonable requests or recommendations as may be made pursuant to authority granted by this ordinance: $50 per day.

In cases where the Company disagrees as to whether the requests which have been disregarded are "reasonable", appeal may be made to the governing body.

21-622. SERVICE TO SCHOOLS AND OTHER PUBLIC FACILITIES.

A. Upon the request of any private, parochial or public elementary or secondary school or any college or university located in the City of Leawood, Kansas, said franchisee shall furnish a single service drop to such institution free of installation charge and monthly service charge.

B. Upon the request of the City of Leawood, the franchisee shall furnish a single service drop to the City Hall and to any other City-owned building or facility used for public purposes free of installation charge and monthly service charge.

C. Franchisee, at its sole expense, will provide a hook-up from the present school district studio to the school channels provided within Leawood either through Micro-Wave transmission or through an interface or direct hook-up with the system which now services the school district.

D. The channel for public access shall be available to persons who lease channel time, provided further that said franchisee shall make available studio space and studio equipment as part of the channel lease charge, such charge to be determined and filed as provided in Section 21-609. Programming on this channel shall be free from any control by the franchisee as to program content, except as required by Section 21-611, hereof.

E. The channels reserved and provided in Section 21-604 hereof for the City of Leawood and for the Public School Districts shall be free of charge to the users thereof. ORD. 420S 3-6-72

21-623. EMERGENCY USE OF FRANCHISEE'S SYSTEM. In the event of a civil disaster or other emergency, the franchisee shall upon request of the Mayor or his authorized representative of said City, permit said City to broadcast information over its system advising the subscribers and residents of said City regarding the nature and extent of said civil disaster or other emergency as may be required to protect said persons in their safety and welfare; provided that any such broadcast shall be conducted by or with the assistance of franchisee's authorized personnel. ORD. 420S 3-6-72

21-624. FRANCHISEE'S DUTY TO SECURE LIABILITY INSURANCE. Franchisee shall concurrently with the filing of its acceptance of the franchise herein granted as provided in Section 21-605 hereof, deliver to the City a certificate of insurance naming the City as a co-insured and providing liability insurance to protect the following enumerated risks in the sums hereinafter set forth:

That said coverage shall insure said City and its officers, boards, commissions, agents, and employees from and against all claims by any persons whatsoever for loss or damage from personal injury, death, or property damage occasioned by the operation of said franchisee's CATV system, or alleged to so to have been caused or occurred, for an amount not less than $500,000 for the personal injury or death to any one person and $1,000,000 for personal injury or death of two or more persons in any one occurrence, and $300,000 for damages to property resulting from any one occurrence.

Said policy shall not be cancelable until the City has had at least fifteen (15) days prior notice.

Said coverage shall remain in full force and effect throughout the term of this franchise. ORD. 420S 3-6-72

21-625. FRANCHISEE'S BONDS.

A. The franchisee shall concurrently with the filing of its acceptance of this franchise as provided in Section 21-605 hereof and at all times thereafter maintain in full force and effect during the term of this franchise, at franchisee's sole and exclusive expense, a corporate surety bond in a company, and in a form approved by the City Attorney of said City, in an amount not less than $50,000 renewable annually, and conditioned upon franchisee's faithful performance of the provisions, terms, and conditions of the franchise herein granted and conferred by this franchise ordinance; provided that in the event that said City shall exercise its right to revoke the franchise of the franchisee as provided in Section 21-621 hereof, other than by reason of said City's acquiring the franchisee's properties

by condemnation as provided in said Section, then, and in that event, the City shall be entitled to recover under the terms of said bond the full amount of any loss occasioned said City by such act or occurrence as enumerated in Section 21-621 hereof.

B. The franchisee shall concurrently with the filing of its acceptance of this franchise as provided in Section 21-605 hereof, maintain in full force and effect, at franchisee's sole and exclusive expense, a corporate surety bond in a company, and in a form approved by the City Attorney of said City in an amount not less than $50,000 renewable annually, and conditioned upon the franchisee's completion of the construction of the CATV system provided for under the terms and conditions of this franchise. In the event the franchisee fails to meet the completion dates established herein, this bond shall be forfeited in its entirety as liquidated damages to the City, but the City will retain its right to forfeit this franchise as herein provided. ORD. 420S 3-6-72

21-626. FRANCHISEE IS WITHOUT REMEDY AGAINST THE CITY. The franchisee shall have no remedy or recourse whatsoever against the City for any loss, cost, expense, or damage arising from any of the provisions or requirements of this franchise ordinance, or because of the enforcement thereof by said City, or for the failure of said City to have the authority to grant, all or any part of the franchise herein granted; provided that said franchisee expressly acknowledges that it accepted the franchise herein granted in reliance upon its independent and personal investigation and understanding of the power of authority of said City to grant the franchise herein conferred upon said franchisee; provided further that the franchisee acknowledges by its acceptance of said franchise that it has not been induced to enter into this franchise upon any understanding, or promise, whether given verbally or in writing by or on behalf of said City, or by any other person concerning any term or condition of this franchise not expressed herein; provided further that the franchisee acknowledges by the acceptance of this franchise that it has carefully read the provisions, terms, and conditions hereof and is willing to, and does accept, all of the risk attendant to said provisions, terms and conditions hereof, and that said franchisee agrees that in the event of any ambiguity therein, or in the event there be any dispute between the parties hereto regarding the meaning thereof, the same shall be construed strictly against said franchisee and in favor of the City. ORD. 420S 3-6-72

21-627. LIMITATION UPON FRANCHISEE'S RIGHT TO TRANSFER THIS FRANCHISE. The franchise herein granted to said franchisee shall be deemed a privilege to be held in personal trust by said franchisee for the purpose of installing and operating a viable CATV system and the franchise shall not in any event be sold, transferred, leased, assigned, or otherwise disposed of, in whole or in part, either by forced or voluntary sale, without the prior consent of the governing body of said City as expressed by resolution adopted at one of its regular or special meetings and then only upon such conditions as may therein be set forth; provided that said franchisee shall not have any rights arising from the franchise herein granted and conferred which may be transferred or disposed of voluntarily or involuntarily without the consent of the governing body of said City as hereinbefore provided; provided further that any transfer, assignment, or other distribution of any rights arising out of, and conferred by this franchise, shall be made only by an instrument in writing, a duly executed copy of which shall be filed with the City within five (5) days after such transfer or assignment shall have been

executed or effected, and shall set forth the consent thereto given by the governing body of said City; provided further that notwithstanding the provisions hereinabove set forth, the franchisee shall have the right at any time to mortgage the whole of its system, or any part thereof, provided that any such mortgage, security interest, or any other encumbrance upon said franchisee's properties, shall be upon the express condition that the rights of any such mortgagee, creditor, or other secured party, shall be secondary and subservient to the rights of said City as set forth in this franchise ordinance including the right of said City to purchase all, or a part of, said franchisee's CATV system, and any division of said system by foreclosure or other legal process, pursuant to the action of any mortgagee, creditor, or other secured party of the franchisee, shall not effect the rights of the City to purchase the whole of said system. ORD. 420S 3-6-72

21-628. CITY'S RIGHT TO MORE FAVORABLE FRANCHISE. In the event the franchisee accepts a CATV system franchise in any other political subdivision within Johnson County, Kansas, or Jackson County, Missouri, and the provisions of such franchise are more favorable to such political subdivision and the resident's thereof, than the provisions of the franchise hereby granted, then, and in that event, the City shall have the right to request said franchisee to modify and amend the provisions of the franchise hereby granted to conform to any such more favorable provisions contained in said other franchise; provided that said franchisee may offer to the City evidence and statements distinguishing any such other franchise from the franchise hereby granted; provided further that, in the event the City shall request said franchisee to amend and modify said franchise in the manner hereinabove provided and the City determines that said franchisee has not offered sufficient evidence and statement to justify its not conforming to said City's request, then, in that event, either the City or said franchisee may refer the City's request for arbitration as provided in the laws of the State of Kansas then existing and the decision of the arbitrator shall be binding and conclusory upon said parties; provided further that in the event the City's request is submitted for arbitration, the arbitrator may not consider, nor shall he effect, the then existing provisions of this franchise except as herein provided. ORD. 420S 3-6-72

21-629. FRANCHISEE'S DUTY TO INDEMNIFY THE CITY. At the time the franchisee files its acceptance hereof, it shall furnish to the City an indemnity agreement executed by it and for its parent corporation, if it is a subsidiary corporation, indemnifying the City against any and all claims, demands, actions, suits and proceedings by other persons against any and all liability to such other persons by reason of liability for damages arising out of any failure by said franchisee to obtain consent from owner, authorized distributors and licensees of programs transmitted or distributed by the franchisee under its CATV system and against any loss, cost, expense or damages resulting therefrom and including reasonable attorneys' fees incurred in the defense of any such action.
ORD. 420S 3-6-72

21-630. SEVERABILITY. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.
ORD. 420S 3-6-72

ARTICLE 6. TELECABLE

21-631. TIME IS OF THE ESSENCE. Whenever this franchise shall set forth any time for any action to be performed by or on behalf of the franchisee, such time shall be deemed of the essence and any failure of the franchisee to perform within the time so specified shall be sufficient grounds for said City to revoke the franchise herein granted. ORD. 420S 3-6-72

21-632. ENACTMENT. This Franchise Ordinance shall be read in full at two regular meetings of the governing body and immediately after the final passage it shall be published in the official city paper once a week for three consecutive weeks; and such ordinance shall not take effect and be in force until after the expiration of sixty days from the date of its final passage. If pending the passage of this ordinance or during the time intervening between its final passage and the expiration of sixty days before such ordinance shall take effect, twenty percent of the legal qualified voters of such City voting for Mayor at the last preceding city election shall present a petition to the governing body asking that such franchise ordinance be submitted for adoption to popular vote, then it shall be the duty of the Mayor of the city to issue a proclamation calling a special election for such purpose as provided by K.S.A. 12-2001, paragraph Sixth. ORD. 420S 3-6-72

XXII. INTERGOV.
COMM. & AGREEMENTS

CHAPTER XXII. INTERGOVERNMENTAL COMMISSIONS AND AGREEMENTS

ARTICLE 1. AGREEMENTS

22-101. The Governing Body hereby approves "Maintenance Agreement for Leawood, Kansas, Traffic Control Signals" dated November 19, 1979, and hereby authorizes the Mayor to execute said Agreement on behalf of the Governing Body. ORD. NO. 664 11-19-79

22-102. That the Consent Agreement by and between the City of Leawood, Kansas (the "City"), and Johnson County, Kansas (the "County"), which Agreement authorizes the County to engage in any and all acts and exercise all of the authority and powers conferred by the Act within, or with respect to any property located within, the corporate boundaries of the City, is hereby approved in all respects, and the Mayor and the City Clerk of the City are hereby authorized to execute and deliver the same on behalf of and as the act and deed of the City.
ORD. NO. 671 4-21-80

22-103. That the Mayor and the Director of Public Works are hereby authorized to execute a package of drawings locating the Kansas-Missouri State Line with relation to State Line Road between Kansas City and the City of Leawood, Kansas, from 79th Street to 135th Street.
ORD. NO. 690 3-2-81

22-104. INCORPORATION BY REFERENCE. A copy of said document is on file in the office of the Director of Public Works and is incorporated herein by reference. ORD. NO. 690 3-2-81

XXIII. PRR. 6
RECR. IMPROVEMENT

CHAPTER XXIII. PARKS AND RECREATION IMPROVEMENTS

ARTICLE 1. LEAWOOD RECREATION COMPLEX

23-101. AUTHORIZATION. That for the purpose of paying the accrued and accruing costs for the construction and improvement of certain park facilities as described in the preamble of this ordinance, and specifically for the purpose of paying accrued and accruing engineering and architectural fees, there shall be issued and the same is hereby authorized, a temporary note of the City of Leawood, Kansas in the amount of FIFTY THOUSAND DOLLARS ($50,000.00) for the payment of the estimated costs and expenses of said improvement. ORD. NO. 468 10-21-74

23-102. INTEREST. This temporary note shall be numbered Park and Rec. 74-1 and shall bear interest at the rate of five and seventy-five hundredths percent (5.75%) per annum and the improvement for which the payment of this note is issued shall be clearly and specifically set forth. The interest on said note shall be payable semi-annually and shall mature two (2) years from October 21, 1974, and shall be callable for payment in advance of maturity in a manner hereinafter specified in the form of the note, and shall be redeemable, and cancellable before or at the time bonds are issued in lieu thereof. The same temporary note shall contain recitals, and shall be in the form and of the size as prescribed by the Statutes of the State of Kansas. ORD. NO. 468 10-21-74

23-103. SALE. The Mayor and City Clerk of the City of Leawood, Kansas are hereby directed, authorized and empowered to prepare and execute the note described in this ordinance and to do all things necessary for its execution, and to sell and deliver the same at private sale, at par and accrued interest, according to law, to the lawful purchaser thereof upon receipt of the purchase price, and apply the proceeds of such sale to the payment of the actual costs and expenses of the park improvement described in the preamble of this ordinance. ORD. NO. 468 10-21-74

23-104. That for the purpose of paying the costs of land and the construction thereon of a municipal swimming pool, lighted tennis courts, children's playground and related improvements in the City of Leawood, Kansas, there shall be issued and hereby are authorized to be issued, general obligation bonds, Series R-74-1 of the City of Leawood, Kansas, in the principal amount of Nine Hundred Twenty-five Thousand Dollars ($925,000.00). Said issue shall consist of One Hundred and Eighty-five (185) bonds, numbered from One (1) to One Hundred and Eighty-five (185) inclusive, each in the denomination of Five Thousand Dollars ($5,000.00). All of said bonds shall be dated December 1, 1974, and said bonds shall be numbered, shall become due and payable serially on March 1st of each year and shall bear interest as follows:

Numbers	Amount	Maturity March 1	Annual Rate of Interest
1-2	$10,000	1976	6.00 %
3-7	25,000	1977	6.00
8-13	30,000	1978	6.00
14-20	35,000	1979	6.00
21-28	40,000	1980	6.00
29-37	45,000	1981	6.00

Numbers	Amount	Maturity March 1	Annual Rate of Interest
38-47	$50,000	1982	5.50 %
48-58	55,000	1983	5.50
59-68	50,000	1984	5.50
69-79	55,000	1985	5.50
80-91	60,000	1986	5.50
92-105	70,000	1987	5.50
106-120	75,000	1988	5.50
121-136	80,000	1989	6.00
137-153	85,000	1990	6.00
154-169	80,000	1991	6.00
170-185	80,000	1992	6.00

Interest on said bonds at the rates aforesaid shall be payable on March 1, 1976, and thereafter semi-annually on September 1 and March 1 of each year, according to the tenor of interest coupons to be attached to said bonds. Both principal of and interest on said bonds shall be payable at the Office of the State Treasurer in the City of Topeka, Kansas, or at the purchaser's option, at a Kansas bank having trust powers as defined by statute, or its co-paying agent. ORD. NO. 471 12-2-74

23-105. Said bonds shall be executed in facsimile for and on behalf of said City of Leawood, Kansas by the Mayor of the City of Leawood, Kansas, attested in facsimile by the City Clerk of the City of Leawood, Kansas with the seal of the city affixed, and countersigned in facsimile by the Treasurer of said city. Interest coupons shall be attached to said bonds, which interest coupons shall bear the facsimile signatures of the Mayor and the City Clerk. ORD. NO. 471 12-2-74

23-106. Each of said bonds and the interest coupons and certificates thereon shall be in substantially the following form:

No._____

$ 5,000.00 $ 5,000.00

UNITED STATES OF AMERICA

STATE OF KANSAS

COUNTY OF JOHNSON

CITY OF LEAWOOD

GENERAL OBLIGATION BOND SERIES R-74-1

KNOW ALL MEN BY THESE PRESENTS:

That the City of Leawood, in the County of Johnson, State of Kansas, acknowledges itself to be indebted, and for value received hereby promises

to pay to the bearer, the principal sum of Five Thousand Dollars ($5,000.00) on the 1st day of_____, 1976, in lawful money of the United States of America, with interest thereon from the date hereof at the rate of _____percent (_____%) per annum, payable March 1, 1976, and thereafter semi-annually on September 1 and March 1 of each year, until said principal sum shall have been paid, upon presentation and surrender of the interest coupons hereto attached, as said coupons severally become due, both principal of and interest on this bond being payable at the Office of the State Treasurer in the City of Topeka, Kansas. Said City of Leawood, in the State of Kansas, is held and firmly bound by these presents, and the full faith, credit and resources of said city are hereby irrevocably pledged for the prompt payment of said principal and interest at maturity.

This bond is one of a series of One Hundred and Eighty-five (185) bonds of like date and tenor and denomination, except maturity and number, numbered from One (1) to One Hundred and Eighty-five (185) inclusive, aggregating the principal amount of Nine Hundred and Twenty-five Thousand Dollars ($925,000.00), issued by the City of Leawood, Kansas, for the purpose of paying the costs of land and construction thereon of a municipal swimming pool, lighted tennis courts, children's playground and related improvements in the City of Leawood, Kansas, as provided by K.S.A. 12-1301 et seq., and all acts amendatory thereto, and this bond and all other bonds in this series, and all interest theron, shall be paid by said City of Leawood, Kansas.

It is hereby declared and certified that all acts, conditions and things required to be done and to exist precedent to and in the issuance of this bond have been properly done and performed, and do exist in due and regular form and manner as required by the Constitution and Statutes of the State of Kansas, and that the total indebtedness of said city, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the said City of Leawood, in the State of Kansas, by its Governing Body, has caused this bond to be signed by its Mayor, countersigned by its Treasurer and its corporate seal affixed hereto and attested by its City Clerk, and the coupons hereto attached to be signed with the facsimile signatures of the Mayor and City Clerk, and this bond to be dated the 1st of December, 1974.

ATTEST:

_____ _____

City Clerk Mayor

Countersigned:

_____

City Treasurer

Coupon No._____

CHAPTER XXIII. PARKS AND RECREATION IMPROVEMENTS

ARTICLE 1. LEAWOOD RECREATION COMPLEX

On the 1st day of March, 19__, the City of Leawood, Kansas shall pay to bearer the amount shown hereon, in lawful money of the United States of America, at the Office of the State Treasurer, Topeka, Kansas, being interest due on that date on its general obligation bonds, Series R-74-1 dated December 1, 1974.

Attest: $_____

_____ _____

City Clerk Mayor

ORD. NO. 471 12-2-74

XXIV. MUNICIPAL BUILDINGS

ARTICLE 1. FIRE STATIONS

24-101. AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF LEAWOOD, KANSAS IN THE SUM OF $500,000.00 FOR THE PURPOSE OF CONSTRUCTING A SECOND CITY FIRE STATION AND MAKING IMPROVEMENTS TO THE EXISTING FIRE STATION.....That for the purpose of paying the costs of constructing a second fire station and making improvements to the existing fire station in the City of Leawood, Kansas, there shall be issued and hereby are authorized to be issued, general obligation bonds, Fire Station Bonds Series 75-1 of the City of Leawood, Kansas in the principal amount of Five Hundred Thousand Dollars ($500,000.00). Said issue shall consist of One Hundred (100) bonds numbered from One (1) to One Hundred (100) inclusive, each in the denomination of Five Thousand Dollars ($5000.00). All of said bonds shall be numbered and shall become due and payable serially on March 1st of each year and bear interest as follows:

NUMBERS	AMOUNT	MATURITY MARCH 1	ANNUAL RATE OF INTEREST
1-7	$35,000.00	1977	5.75 %
8-14	$35,000.00	1978	5.75 %
15-21	$35,000.00	1979	5.75 %
22-28	$35,000.00	1980	5.75 %
29-35	$35,000.00	1981	5.75 %
36-42	$35,000.00	1982	5.50 %
43-49	$35,000.00	1983	5.50 %
50-56	$35,000.00	1984	5.50 %
57-63	$35,000.00	1985	5.50 %
64-70	$35,000.00	1986	5.50 %
71-76	$30,000.00	1987	5.50 %
77-82	$30,000.00	1988	5.875%
83-88	$30,000.00	1989	5.875%
89-94	$30,000.00	1990	5.875%
95-100	$30,000.00	1991	5.875%

Interest on said bonds at the rates aforesaid shall be payable on March 1, 1977, and thereafter semi-annually on September 1 and March 1 of each year, according to the tenor of interest coupons to be attached to said bonds. Both principal of and interest on said bonds shall be payable at the Office of the State Treasurer in the City of Topeka, Kansas, or at the purchaser's option, at a Kansas bank having trust powers as defined by statute, or its co-paying agent. ORD. NO. 495 8-18-75

24-102. Said bonds shall be executed in facsimile for and on behalf of said City of Leawood, Kansas by the Mayor of the City of Leawood, Kansas, attested in facsimile by the City Clerk of the City of Leawood, Kansas with the seal of said City affixed, and countersigned in facsimile by the Treasurer of the said City. Interest coupons shall be attached to said bonds, which interest coupons shall bear the facsimile signatures of the Mayor and the City Clerk. ORD. NO. 495 8-18-75

24-103. Each of said bonds and the interest coupons and certificates thereon shall be in substantially the following form:

No._____

$5,000.00 $5,000.00

UNITED STATES OF AMERICA

STATE OF KANSAS

COUNTY OF JOHNSON

CITY OF LEAWOOD

GENERAL OBLIGATION BONDS - FIRE STATION BONDS 75-1

KNOW ALL MEN BY THESE PRESENTS:

That the City of Leawood, in the County of Johnson, State of Kansas, acknowledges itself to be indebted, and for value received hereby promises to pay to the bearer, the principal sum of Five Thousand Dollars ($5,000.00) on the 1st day of_____, 1977, in lawful money of the United States of America, with interest thereon from the date hereof at the rate of_____percent (_____%) per annum, payable March 1, 1977, and thereafter semi-annually on September 1 and March 1 of each year, until said principal sum shall have been paid, upon presentation and surrender of the interest coupons hereto attached, as said coupons severally become due, both principal of and the interest on said bond being payable at the Office of the State Treasurer in the City of Topeka, Kansas. Said City of Leawood, in the State of Kansas, is held and firmly bound by these presents, and the full faith, credit and resources of said City are hereby irrevocably pledged for the prompt payment of said principal and interest at maturity.

This bond is one of a series of One Hundred (100) bonds of like date and tenor and denomination, except maturity and number, numbered from One (1) to One Hundred (100) inclusive, aggregating the principal amount of Five Hundred Thousand Dollars ($500,000.00), issued by the City of Leawood, Kansas, for the purpose of constructing a second City fire station and making improvements to the existing fire station, as provided by K.S.A. 12-1737, and all acts amendatory thereto, and this bond and all other bonds in this series, and all interest thereon, shall be paid by said City of Leawood, Kansas.

It is hereby declared and certified that all acts, conditions and things required to be done and to exist precedent to and in the

issuance of this bond have been properly done and performed, and do exist in due and regular form and manner as required by the Constitution and Statutes of the State of Kansas, and that the total indebtedness of said City, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the said City of Leawood, in the State of Kansas, by its Governing Body, has caused this bond to be signed in facsimile by its Mayor, countersigned in facsimile by its Treasurer and its corporate seal affixed hereto, and attested in facsimile by its City Clerk, and the coupons hereto attached to be signed with the facsimile signatures of the Mayor and the City Clerk, and this bond to be dated this 1st day of September, 1975.

ATTEST:

_____ _____

City Clerk Mayor

Countersigned:

_____

City Treasurer

Coupon No._____

On the 1st day of March, 19__, the City of Leawood, Kansas shall pay to bearer the amount shown hereon, in lawful money of the United States of America, at the Office of the State Treasurer, Topeka, Kansas, being interest due on that date on its general obligation bonds, Fire Station Bonds 75-1, dated September 1, 1975.

ATTEST: $_____

_____ _____

City Clerk Mayor

ORD. NO. 495 8-18-75

XXV. PUBL. HEALTH

CHAPTER XXV. PUBLIC HEALTH

ARTICLE 1. SOLID WASTE

25-101. FINDINGS. A. Adequate protection of public health, safety and welfare requires that this City adopt an ordinance relating to the storage, collection and transportation of solid waste.

B. That K.S.A. 65-3410 authorizes cities to do all things necessary for proper effective solid waste management system including the levying of fees and charges upon persons receiving service and, further, of the authority to contract for the performance of said services.

C. That the Governing Body of the City of Leawood is desirous of complying with the solid waste management plan as prescribed by the Board of County Commissioners of Johnson County, Kansas. ORD. NO. 537 1-17-77

25-102. DEFINITIONS. For the purposes of this ordinance, the following terms, phrases, words and their derivation shall have the meanings given in this section:

(1) Agricultural Waste - Solid waste resulting from the production of farm or agricultural products.
(2) Air Pollution - The presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is, or tends significantly to be, injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property.
(3) Approved Container - Container shall have a maximum capacity of 55 gallons and be so constructed so as to adequately contain all contents placed therein without spillage, leakage or emission of odors while awaiting collection. The weight of any individual container and its contents shall not exceed 75 pounds.
(4) Bulky Waste - Items either too large or too heavy to be loaded in solid waste collection vehicles with safety and convenience by solid waste collectors, with the equipment available therefor, including but not limited to appliances, furniture, large auto parts, trees, etc.
(5) City - The City of Leawood, Kansas.
(6) Code - "The Johnson County Sanitary Code for Sanitary Landfill".
(7) Collection - Removal and transportation of solid waste from its place of storage to its place of processing or disposal.
(8) Collector - Any person, public or private, engaged in collecting solid waste.
(9) Combined Refuse Collection - The collection of mixed refuse (putrescible and nonputrescible).
(10) Combined Solid Waste - Solid waste containing both garbage and rubbish. (See Mixed Refuse).
(11) Commercial Waste - Solid waste emanating from establishments engaged in business. This category includes, but is not limited to solid waste originating in stores, markets, office buildings, restaurants, shopping centers, theatres and schools.
(12) Commissioners - The Johnson County Board of County Commissioners.
(13) Construction Waste - Waste building materials and rubble resulting from construction, remodeling or repair operations on houses, commercial buildings, other structures and pavements.

(14) Contractor - The person or corporation holding a valid SWMS contract, whether public or private operation.

(15) Demolition Waste - Waste materials from the destruction of residential, industrial or commercial structures.

(16) Department - The Kansas State Department of Health.

(17) Director - The Director of Solid Waste Management for the City, appointed by the Mayor and approved by the Governing Body of the City, to administer the storage, collection and transportation of solid waste in the City in accordance with this ordinance, or in the event that a regular City officer is designated by the Mayor and approved by the Council, as the responsible officer for the administration and enforcement thereof, the person duly holding such City office shall be such Director of Solid Waste Management.

(18) Disposable Solid Waste Container - Approved containers per a list maintained by the Director, which are designed to be disposed of with the solid waste contained therein.

(19) Disposal - Depositing solid waste in or at a facility approved by the City, Johnson County SWMP and the Kansas State Board of Health for such purpose.

(20) Dump - A collection or consolidation of solid waste from one or more sources at a central disposal site which does not meet standards for proper disposal.

(21) Dwelling Unit - Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

(22) Engineer - The Johnson County Engineer, designate and his department.

(23) Garbage - The animal and vegetable waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods, including unclean containers.

(24) Hazardous Waste - Solid and liquid waste which requires special handling and disposal to protect and conserve the environment and human health including pesticides, acids, caustics, pathological waste, radioactive materials, flammable or explosive materials, oils and solvents, and similar organic and inorganic chemicals and materials, containers and materials that have been contaminated with hazardous waste.

(25) Incineration - The controlled process of burning solid and/or liquid waste.

(26) License - The permission for a contractor to be allowed to operate SWMS vehicles or facilities within the City upon payment of a specified fee upon meeting licensing requirements of the City and County.

(27) Mixed Refuse - A mixture of solid waste containing putrescible and non-putrescible materials. (See Combined Solid Waste).

(28) Nuisance - Anything which (1) is injurious to health or is offensive to the senses or any obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the handling or disposal of solid waste.

(29) Official Adopted Solid Waste Management Plan - Referred to herein as "Official Plan" and "Official Plan for Solid Waste Management" means a comprehensive plan for the provision of an adequate solid waste management system adopted by any authority to provide such a system or having jurisdiction over the provision of such system, and submitted to and approved by the Department as provided in K.S.A. 65-3405 and acts amendatory thereto.

(30) Occupant - Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or any other improved real property, either as owner, guest, or as a tenant, either with or without the consent of the owner thereof.

(31) Owner - Any person who, alone or jointly or severally with others, has legal title to, or sufficient proprietary interest in, or have charge, care or control of any dwelling unit or any other improved real property, as title holder, as employee or agent of the title holder, or as landlord or manager or as trustee or guardian of the estate or person of the title holder.

(32) Person - Individual, partnership, corporation, institution, political subdivision or state agency.

(33) Putrescible Waste - Organic wastes which progressively decompose with the production of foul smelling compounds and/or material that attracts insect or animal life.

(34) Refuse - (See Solid Waste).

(35) Rubbish - Nonputrescible solid wastes consisting of combustible and/or noncombustible waste materials from: dwelling units, commercial, industrial, institutional, or agricultural establishments, including yard wastes and items commonly referred to as "trash".

(a) Bulky rubbish - (See Bulky Waste).

(b) Commercial rubbish - rubbish resulting from commercial, industrial, institutional, or agricultural activities.

(c) Residential rubbish - rubbish resulting from the maintenance and operation of dwelling units.

(36) Sanitary Landfill - An area on which solid waste is dispersed of on the land without creating nuisances or hazards to the public health or safety by confining refuse to the smallest practical area, compacting it to the smallest practical volume by employing power equipment, and covering it with a layer of compacted earth or other suitable cover material at the conclusion of each day's operation.

(37) Service - The useful result; the product of labor and machines in proper and effective management to dispose of solid waste.

(38) Solid Waste - Unwanted or discarded waste materials in a solid or semi-liquid state, including but not limited to refuse, garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, abandoned vehicles, special wastes, industrial wastes, demolition and construction wastes and digested sludges resulting from the treatment of domestic sewage or a combination thereof.

(a) Commercial solid waste - solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

(b) Residential solid waste - solid waste resulting from the maintenance and operation of dwelling units.

(39) Solid Waste Container - Any receptacle used by any person to store solid waste during the interval between solid waste collections.

(40) Solid Waste Disposal Area - Also referred herein as "disposal area" or "disposal site", means any area used for the disposal of refuse from more than one residential premise, or one or more commercial, industrial, manufacturing, or municipal operations.

(41) Solid Waste Management System - The entire process of storage, collection, transportation, processing, and disposal of solid waste by any person engaging in such process as a business, or any city, authority, county or any combination thereof.

(42) SWM - Solid Waste Management.

(43) SWMC - Johnson County Solid Waste Management Committee.

(44) SWMP - The approved and adopted Solid Waste Management Plan for Johnson County.

(45) Solid Waste Processing Facility - Also referred herein as "processing facility" means incinerator, compost plant, transfer station or any other facility where solid wastes are consolidated, temporarily stored or processed prior to being transported to a final disposal site.

(46) Storage - Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

(47) Temporary Storage - Proper accumulation and storage of solid waste between regularly scheduled refuse collection intervals.

(48) Transfer Station - A facility used as an adjunct to solid waste collection system. Such a facility may be fixed or mobile and may include recompaction of solid waste.

(49) Vector (Of Disease) - An animal or insect having the capability of transmitting infectious diseases from one person or animal to another by biting the skin or mucous membrane or by depositing infective material on the skin, on food, or on another object.

(50) Yard Wastes - All forms of botanical waste, including but not limited to grass clippings, leaves, tree trimmings, etc.

ORD. NO. 537 1-17-77

25-103. APPOINTMENT AND DUTIES OF DIRECTOR. A. The Mayor of the City shall, with the approval of the Council, appoint a Director of Solid Waste Management as defined in Section 25-102 (17).

B. The Director shall administer the storage, collection and transportation of solid waste in the City as provided by this ordinance, and, further, shall be the principal enforcement officer of this ordinance.

ORD. NO. 537 1-17-77

25-104. STORAGE OF SOLID WASTE. A. The owner or occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City, shall provide sufficient and adequate approved containers for the storage of such solid waste in adequate number to serve each such dwelling unit and/or establishment; and to maintain such solid waste containers and their environs at all times reasonably clean and in good repair; and to repair or replace same from time to time, without notice, when any such containers shall no longer meet the specifications therefor as established by regulations of the Director.

B. The occupant of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment, from which solid waste collection is made under this ordinance, shall place all solid waste in approved solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat, and sanitary condition at all times. Whenever a portion of the solid waste is subject to decay or putrefaction, such an accumulation must be kept covered or in approved containers, closed bins or containers not subject to deterioration. All containers shall be screened in such a manner that they are not visible from any street or roadway except when placed in position for pickup.

C. Residential solid waste shall be stored in approved containers of not more than 55 gallons. Containers shall be properly covered at all times except when depositing waste therein or removing contents. They shall be of light weight and sturdy construction. The weight of any individual container and its contents shall not exceed 75 pounds.

D. Commercial solid waste shall be stored in solid waste containers, as approved by the Director. The containers shall be water-proof, leak-proof and shall be covered at all times except when depositing waste therein or removing contents thereof; and shall meet all requirements as set forth in this ordinance.

E. Tree limbs less than 4" in diameter and brush shall be securely tied in bundles not larger than 48 inches long and 18 inches in diameter when not placed in storage containers.

F. Yard wastes shall be stored in approved containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights of way. The weight of any individual container and contents shall not exceed 75 pounds.

G. The Director has the authority to collect and dispose of any nonconforming container and its contents with or without notice to the owner thereof.

ORD. NO. 537 1-17-77

25-105. COLLECTION AND DISPOSAL OF SOLID WASTE. A. The City shall provide for the collection of all residential solid waste as follows:

(1) The City shall provide for and regulate the collection of all residential solid waste in the City. The City may provide for the collection service by contracting with a person, persons, county, or other city, or combination thereof, for the benefit of the entire City, or portions thereof for the benefit as deemed in the best interest of the City and its inhabitants. The City may likewise designate agents including but not limited to homes associations for the purpose of having these associations provide for and regulate the collection of residential solid waste within their respective homes association area.

(2) The Director may, after first obtaining the approval of the Governing Body of the City, after specific application has been made to the Director, exempt dwelling units from City collection services, including, but not being limited to homes associations; provided, however, that the burden is upon the applicant to prove to the Director and the Governing Body of the City that all dwelling units included in the application for exemption are provided with solid waste collectional services at a standard equal to or higher than that required by this

ordinance. Applications for exemption shall be filed with the City Clerk by the July 15th preceding the calendar year for which said exemption is sought; provided, however, that exemptions for the year 1977 may be granted by the Governing Body if a proper showing is made and if said application is filed by May 1, 1977. All exemptions shall be for one year with the exception of 1977.

B. Regulation of Non-residential Solid Waste Collection:

(1) The City will not provide solid waste collection services to institutional, commercial, industrial or business establishments, or to apartments, townhouses, or condominiums of four (4) units or more.

(2) The regulatory and penalty provisions of this ordinance shall apply to said non-residential properties and it shall be the duty of the owner to provide for collection of all solid waste produced upon all such premises at a standard at least equal to that prescribed by this ordinance.

ORD. NO. 537 1-17-77

25-106. PERMITS. A. Any person engaging in the business of collecting, transporting or processing of solid waste within the corporate limits of the City shall first obtain a permit therefrom from the Director. Each applicant for any such permit shall state in his application the following:

(1) The nature of the permit desired (storage, collection and/or transportation of solid waste or any combination thereof);
(2) The characteristics of solid waste to be collected and transported;
(3) The number of solid waste vehicles and equipment to be operated thereunder;
(4) The precise location or locations of solid waste processing or disposal for service to be used; and
(5) Such other information as required by the Director.

B. If the application shows that the applicant will collect and transport solid waste without hazard to the public health or damage to the environment and in conformity with the Johnson County Solid Waste Management System, the laws of the State of Kansas, and of this ordinance, the City shall issue the permit authorized by this ordinance. The permit shall be issued for the period of one (1) year, and each applicant shall pay a fee of $10 for each collection vehicle to be used in the City. The application must clearly show that the collection and transportation of solid waste will create no public health hazard or be without harmful effects on the environment. If such a showing is not made by the applicant, the Director shall deny the application and not issue the permit. The applicant may appeal the refusal of the Director to issue the application to the Governing Body of the City of Leawood. The Governing Body, after a hearing, may by a majority vote, order the Director to issue the permit. Nothing in this section shall prejudice the right of the applicant to reapply at a later date for a permit.

C. Permits shall not be required for the removal, hauling or disposal of demolition or construction wastes; however, all such wastes shall be conveyed in

tight vehicles, trucks or receptacles, so constructed and maintained to prevent the material being transported from spilling upon the public highways.

D. Before a valid permit shall be issued by the City, the applicant must furnish the City a certificate of insurance showing a minimum public liability insurance coverage of at least $250,000 for each person injured or killed; and in an amount not less than $500,000 in the event of injury or death of two or more persons in any single accident, and an amount not less than $200,000 for damage to property. In the event the insurance is canceled during the term of the permit, insurance carrier shall notify the City in writing no less than ten (10) days prior to the effective date of such cancellation. Said certificate of insurance shall provide that the insurance company agrees to so notify the City, and further, the insurance policy shall contain written provision which shall place the responsibility for the ten-day written notice upon the company issuing the policy in order that the coverage be considered proper. ORD. NO. 537 1-17-77

25-107. RULES AND REGULATIONS. A. The Director, by and with the consent of the Governing Body of the City, shall define and promulgate reasonable and necessary rules and regulations governing the solid waste management system, which rules and regulations shall be filed in the office of the City Clerk of the City. Said rules and regulations shall include, but not be limited to:

(1) Time and day schedules of and routes for collection of solid waste, except as prohibited by this ordinance.
(2) Specifications for solid waste containers, including the type, material and size thereof.
(3) Identification of solid waste containers, covers, and related equipment.
(4) Collection points of solid waste containers.
(5) Handling of special wastes such as toxic and hazardous wastes, sludges, ashes, agricultural wastes, construction wastes, automobiles, oils, greases, bulky wastes, etc.

B. The Director may classify certain wastes as hazardous wastes which will require special handling and which should be disposed of only in a manner acceptable to the Director and banned in a manner which meets all City, county, state and federal regulations.

C. All residential solid waste, other than bulky waste, shall be collected at least once weekly. All commercial solid waste shall be collected at least once weekly or at more frequent intervals as may be fixed by the Director upon a determination that more frequent intervals are necessary for the preservation of the health and/or safety of the public and general appearance of the area. The Director may, upon application, reduce the collection frequency in specific cases consistent with other requirements of this ordinance.

ORD. NO. 537 1-17-77

25-108. PROHIBITED PRACTICES. A. No solid waste shall be disposed of at a processing facility or a disposal site unless it is a site designated and approved by the Johnson County Engineer and, further, unless it complies with all requirements of the Johnson County Solid Waste Management Plan.

B. No person shall engage in the business of collection, transportation or processing of solid waste within the corporate limits of the City without first obtaining a permit as defined and required in Section 25-106 of this ordinance.

C. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage sites shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. All storage areas shall be screened or otherwise located so as to not be in the view of persons using public streets or walkways.

D. All collection vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for collection of solid waste shall be constructed with water-tight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No material shall be transported in the loading hoppers.

E. All motor vehicles operating under any permit required by this ordinance shall display the permit number or numbers on each side in colors which contrast with that of the vehicle. Such numbers must be clearly legible and not less than three inches high. ORD. NO. 537 1-17-77

25-109. ENFORCEMENT PROVISIONS. A. The Director is hereby authorized to exercise such powers as may be necessary to carry out and effectuate the purposes and provisions of this ordinance. Included in said powers is the right to inspect all phases of solid waste management within the City. The Director has the right to enter upon the premises for the purpose of making examinations and inspections, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and in the event entry is denied or resisted, the Director shall obtain for this purpose an order from a court of competent jurisdiction.

B. In all instances where inspections by the Director reveal violations of this ordinance, the Director shall issue notice to the violating person for each such violation and stating the violation or violations found, the time and date of said violation and the corrective measures to be taken, together with the time in which such corrections shall be made. When corrective measures have not been taken within the time specified in the notice, the Director shall execute a complaint in the Municipal Court of the City of Leawood charging said person or persons with a violation or violations of this ordinance. In those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be granted by the Director before he executes the complaint.

C. The Director further has the power to appoint and fix the duties of such officer's agents and employees as he deems necessary to carry out the directions of this ordinance, and, further, to delegate any of his functions and powers under this ordinance to such officers, agents and employees as he may designate.

ORD. NO. 537 1-17-77

25-110. PENALTY. A. It shall be unlawful for any person to store, collect, transport or process any solid wastes in any manner that does not conform to rules and regulations established in Section 25-108 of this ordinance.

B. Any person violating this ordinance shall upon conviction thereof be punished for each such violation by a fine not to exceed $100, or a jail sentence of not more than thirty days for each violation, or by both such fine and jail sentence. Each day of violation shall constitute a separate violation of this ordinance. ORD. NO. 537 1-17-77

25-111. GENERAL PROVISIONS. A. All solid waste collection shall, upon being loaded into collection equipment, become the property of the collection agency.

B. Solid waste collectors, employed by the City or solid waste collection agencies operating under contract with the City, or solid waste collectors collecting from those dwelling units specifically exempted under Section 25-106 are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as is required by this ordinance.

C. All contracts providing for the storage, collection and transportation of solid waste to which the City is a party shall contain provisions for a performance bond in an amount not less than the total value of the services provided by the contractor. Said bond shall be with a good and sufficient surety and shall be approved by the Governing Body before the execution of the contract. Said bonds shall provide that the principal shall pay any and all damages which may be caused to any property, public or private, within the City when such injury or damage shall be inflicted by the principal or his agent, servant, employee, workman, contracter, subcontractor, and such bond shall be conditioned also that the principal will serve, indemnify and protect the City from any and all liability, that he will in all respects, comply with all ordinances of the City and comply with the terms of his permit and be conditional upon his faithful performance of the contract. The form of such bond must be approved by the City Attorney.

D. The Governing Body of the City shall determine a proper amount to be charged for the storage, collection, transportation, processing and disposal of solid waste. Said costs shall be based upon the cost of providing the service, including the costs of administration and collection. Said costs for services provided either by the City or provided under a contract under this ordinance shall be paid by the occupant or occupants of the premises. In addition to said charges, the City or the Governing Body may assess additional delinquent fees or charges for those who do not pay for the services in the time prescribed by the Governing Body. Fees not paid in the time prescribed by the Governing Body shall be assessed as a special assessment against the lot or parcel of land from which the solid waste was removed, and the City Clerk shall, at the time of certifying other City taxes, certify the unpaid portion of said fees, including delinquent fees, and the County Clerk shall extend the same on the tax rolls of the County against said lot or parcel of land.

E. The provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair any provision of this ordinance.

ORD. NO. 537 1-17-77

CHAPTER XXV. PUBLIC HEALTH

ARTICLE 2. SANITARY REGULATIONS

25-201. JOHNSON COUNTY SANITARY CODE; INCORPORATION BY REFERENCE. There is hereby incorporated by reference, for the purpose of prescribing rules and regulations for controlling practices to minimize health and safety hazards, that certain sanitary code known as the "Johnson County Sanitary Code of September, 1979", prepared and published by the Johnson County Health Department, and as amended from time to time.

Not less than three (3) copies of such "Johnson County Sanitary Code", marked or stamped "Official Copy as Adopted by Ordinance No. 755", shall be filed with the City Clerk to be open for inspection and available to the public during regular office hours.

The Johnson County Board of Health is hereby requested to appoint the Johnson County Health Officer as City Health Officer for the City of Leawood, Kansas, to represent the City in health matters.

ORD. NO. 755 8-2-82

25-202. DELETION. Chapter III, Water Quality Management Planning for Residential, Commercial & Industrial Developments, of the "Johnson County Sanitary Code of September, 1979" is hereby deleted in its entirety. ORD. NO. 755 8-2-82

25-203. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected. ORD. NO. 755 8-2-82

XXVI. TAXATION

ARTICLE 1. INTANGIBLES TAX

26-101. COMMENCING IN THE YEAR 1978, the rate of taxation by the City of Leawood on moneys, notes and other evidences of debt shall be reduced by three fourths of one percent (3/4 of 1%), making a total of such tax for the year 1978 one and one-half percent (1 1/2%).

ORD. NO. 540 5-2-77

26-102. COMMENCING IN THE YEAR 1979, the rate of taxation by the City of Leawood on moneys, notes and other evidences of debt shall be reduced by one-half of one percent (1/2 of 1%), making a total of such tax for the year 1979 one percent (1%). ORD. NO. 540 5-2-77

26-103. COMMENCING IN THE YEAR 1980, the rate of taxation by the City of Leawood on moneys, notes and other evidences of debt shall be reduced by one-half of one percent (1/2 of 1%), making a total of such tax for the year 1980 one-half of one percent (1/2 of 1%).

ORD. NO. 540 5-2-77

26-104. COMMENCING IN THE YEAR 1981, the rate of taxation by the City of Leawood on moneys, notes and other evidences of debt shall be reduced by one-half of one percent (1/2 of 1%), which reduction shall totally eliminate such tax for all succeeding years.

ORD. NO. 540 5-2-77

26-105. PUBLICATION. This ordinance shall be published once each week for two consecutive weeks in THE JOHNSON COUNTY SUN. If within sixty (60) days following the date of last publication of this ordinance a petition signed by electors of the City equal in number to not less than five percent (5%) of the qualified electors of the City is filed with the County Election officer requesting the same, this ordinance shall not become effective without first being submitted to and been approved by a majority of the electors of this City voting thereon at an election called and held thereon in the manner prescribed under the General Bond Law of the State of Kansas.

ORD. NO. 540 5-2-77

26-106. FILING. The City Clerk of the City of Leawood, Kansas, shall file a copy of this ordinance with the Secretary of Revenue for the State of Kansas and the County Treasurer of Johnson County on or before September 1, 1977. The City Clerk is further directed to file a copy of this ordinance with the Secretary of Revenue for the State of Kansas and the County Treasurer of Johnson County on or before September 1 of the succeeding years of 1978, 1979, 1980 as each section of this ordinance becomes applicable. ORD. NO. 540 5-2-77

ARTICLE 2. TAX LEVIES

26-201. The City shall suspend the aggregate tax levy limitation to permit the total taxes levied by the City to be increased by not to exceed a total of seven (7) mills over a period of eight (8) years for the purpose of providing revenue to the City. ORD. NO. 550 7-18-77

26-202. The City Clerk shall file a copy of this ordinance with the County Clerk of Johnson County, Kansas, the County Treasurer of Johnson County, Kansas, and the Secretary of Revenue for the State of Kansas on or before September 1, 1977. The City Clerk is further directed to file a copy of this ordinance with the County Clerk of Johnson County, Kansas, the County Treasurer of Johnson County, Kansas, and the Secretary of Revenue for the State of Kansas on or before September 1 of each succeeding year where the levy is permitted to be exceeded.
ORD. NO. 550 7-18-77

CHAPTER XXVI. TAXATION

ARTICLE 3. SALES TAXES

26-301. Commencing January 1, 1984, there is hereby levied a City Retailers' Sales Tax in the amount of one percent (1%).

26-302. Such tax shall be identical in its applications and exemptions therefrom to the Kansas Retailers' Sales Tax Act and all laws and administrative rules and regulations of the Kansas Department of Revenue relating to the State's Retailers' Sales Tax shall apply to such City Retailers' Sales Tax insofar as such laws and regulations may be made applicable. The services of the Department shall be utilized to administer, enforce and collect such tax.

ORD. NO. 779 5-16-83

THIS WILL NOT TAKE EFFECT UNTIL

JANUARY 1, 1984

ARTICLE 3. SALES TAXES

26-301. Commencing January 1, 1979, there is hereby levied a City Retailers' Sales Tax in the amount of one-half of one percent (0.5%). ORD. NO. 600 8-7-78

26-302. Such tax shall be identical in its applications and exemptions therefrom to the Kansas Retailers' Sales Tax Act and all laws and administrative rules and regulations of the Kansas Department of Revenue relating to the State's retailers' sales tax shall apply to such City Retailers' Sales tax insofar as such laws and regulations may be made applicable. The services of the Department of Revenue shall be utilized to administer, enforce and collect such tax.

ORD. NO. 600 8-7-78

repealed by 779 H/L eff. 1/1/84

XXVII. SAN. SEWER IMPROVE.

CHAPTER XXVII. SANITARY SEWER IMPROVEMENT

ARTICLE 1. LEAWOOD SEWER SYSTEM--DYKES BRANCH

27-101. That for the purpose of paying the accrued and accruing costs of the construction of supplemental sewer lines and appurtenant sewer facilities to the existing Dykes Branch portion of the Leawood Sanitary System, there shall be issued and the same are hereby authorized temporary notes of the City of Leawood, Kansas in the amount of Five Hundred Thousand Dollars ($500,000.00) for the payment of the estimated costs and expenses of said construction, each note to be issued in the amount of One Hundred Thousand Dollars ($100,000.00). ORD. NO. 700 5-18-81

27-102. These temporary notes shall be numbered 1981 L.S.B. A-E inclusive, and shall bear interest at a rate not to exceed nine per cent per annum and the improvement for the payment of which this note is issued shall be clearly and specifically set forth. The interest on said notes shall be payable as follows: Interest shall be payable at maturity, and the notes shall mature one hundred and twenty (120) days from June 1, 1981. Said notes shall be callable for payment in advance of maturity in a manner hereinbefore specified in the form of said notes, and shall be redeemable, and cancelled before or at the time bonds are issued in lieu thereof. The temporary notes shall contain recitals, and shall be in the form and of the size as provided by the statutes of the State of Kansas.

ORD. NO. 700 5-18-81

27-103. The Mayor and the City Clerk of the City of Leawood, Kansas, are hereby directed, authorized and empowered to prepare and execute the notes described in this ordinance and to do all things necessary for their execution, and to sell and deliver the same at private sale, at par and accrued interest according to law, to the purchaser thereof upon receipt of the purchase price, and apply the proceeds of such sale to the payment of the actual costs and expenses of construction of said supplemental sewer lines and appurtenant sewer facilities to the existing Dykes Branch portion of the Leawood Sanitary System described hereinbefore.

ORD. NO. 700 5-18-81

~~Written and "claims made" [illegible]~~

ARTICLE 1. LEAWOOD ARTS COUNCIL

28-101. ESTABLISHMENT AND MEMBERSHIP. There is hereby established a Leawood Arts Council consisting of eleven members appointed by the Mayor with the consent of the City Council. Membership shall be comprised of one member of the City Council, the Chairman of the Plan Commission, and nine members appointed from the City at large.

For the purposes of this ordinance, the Leawood Arts Council shall hereinafter be referred to as The Council, and the Leawood City Council referred to as The Governing Body. ORD. NO. 720 1-18-82

28-102. MEMBERSHIP TERMS AND QUALIFICATIONS. All members of the Council shall be residents of the City and shall serve without compensation. The member of the City Council and the Chairman of the Plan Commission shall be appointed annually and the at-large members shall be appointed for a term of three years. Appointments will be from May to May, three members appointed yearly. Two of the three shall be appointed by the Mayor and one by The Council. Members appointed due to attrition will be by the Council for the unexpired term.

The initial membership shall make the determination as to their individual terms of service in order to establish staggered terms.

The Council shall elect its own chairman who shall serve for a term of one year, and shall elect a vice-chairman who shall serve as chairman in the absence of the chairman. ORD. NO. 720 1-18-82

28-103. MEETINGS. Meetings of The Council shall be held at the call of the chairman of The Council and at such other times as The Council may determine. Records of all official actions of The Council shall be filed in the office of the City Clerk. One-half of the membership constitutes a quorum for the transaction of business. ORD. NO. 720 1-18-82

28-104. STATEMENT OF PURPOSE.

1. To serve the Leawood community as its aesthetic conscience and to address issues to improve the cultural life of the City;
2. To provide advice and counsel to the Mayor, The Governing Body, committees, and department heads on matters relating to the arts and the aesthetics of all public improvements;
3. To initiate and implement programs and proposals for the encouragement, promotion, and development of cultural activities.

The term "cultural activities" as used herein, shall include the visual and performing arts, and shall include, but not be limited to, creative production of music, drama, dance, creative writing, arts and crafts, film, photocopying or photography; and works of art to include paintings, mural decorations, stained glass, bas-reliefs, tablets, sculptures, monuments, fountains, arches, or other structures of a permanent or temporary character intended for ornament or commemoration; and the creative presentation of such cultural activities.

ORD. NO. 720 1-18-82

ORDINANCE NO. 804

AN ORDINANCE ACCEPTING THE RESIGNATION OF THE FIRST NATIONAL BANK AND TRUST COMPANY OF OKLAHOMA CITY AS FISCAL AGENT FOR THE CITY OF LEAWOOD, KANSAS, INDUSTRIAL REVENUE BONDS, SERIES OF APRIL 1, 1982 (THE LEAWOOD FOUNTAIN PLAZA PROJECT); AND APPOINTING COMMERCE BANK OF KANSAS CITY, N.A., AS SUCCESSOR FISCAL AGENT TO SERVE UNDER AND IN ACCORDANCE WITH THE PROVISIONS OF ORDINANCE NO. 738 OF SAID CITY, AS AMENDED BY ORDINANCE NO. 803 OF THE CITY AND THE LEASE AGREEMENT BETWEEN THE CITY AND LEAWOOD FOUNTAIN PLAZA, AS SUPPLEMENTED AND AMENDED, WITH RESPECT TO SAID BONDS.

WHEREAS, pursuant to Ordinance No. 738 of the City of Leawood, Kansas (the "City") duly adopted by the Governing Body on April 19, 1982 (said Ordinance No. 738 as supplemented and amended being herein called the "Bond Ordinance"), the City issued, sold and delivered its Industrial Revenue Bonds, Series of April 1, 1984 (The Leawood Fountain Plaza Project), in the aggregate principal amount of $7,280,000 (the "Bonds"), and in connection therewith entered into a Lease Agreement dated April 1, 1982 with Leawood Fountain Plaza, a Kansas limited partnership (the "Company"), to provide the source for payment of said Bonds and the interest thereon (said Lease Agreement as supplemented and amended being herein called the "Lease"); and

WHEREAS, pursuant to the Bond Ordinance the City appointed The First National Bank and Trust Company of Oklahoma City ("First National") as fiscal agent of the City with respect to said Bonds to serve under and in accordance with the Bond Ordinance and Lease; and

WHEREAS, First National has tendered to the City its resignation as fiscal agent, and the City desires to appoint Commerce Bank of Kansas City, N.A. ("Commerce") as successor fiscal agent with respect to said Bonds and Commerce has indicated its willingness to accept such appointment; and

WHEREAS, Commerce is the registered owner of all of the issued and outstanding Bonds and in its capacity as bondholder has consented to the appointment of the successor fiscal agent to take effect immediately;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

29-109.1. ACCEPTANCE OF RESIGNATION OF FISCAL AGENT. Section 1. The City hereby accepts the resignation of First National as fiscal agent of the City with respect to the Bonds.

29-109.2. APPOINTMENT OF SUCCESSOR FISCAL AGENT. Section 2. The City hereby appoints Commerce as fiscal agent for the Bonds to serve under and pursuant to the Bond Ordinance and the Lease, such appointment to take effect immediately upon the publication of this Ordinance as hereinafter provided.

TAKE EFFECT. Section 3. This Ordinance shall take effect and be in force from and after its passage and publication in the official newspaper of the City.

First Reading: 3/26/84 Second Reading: 3/26/84

Passed by the Governing Body this 26th day of March, 1984, the Governing Body having deemed the passage of this Ordinance to be a matter of emergency nature.

Approved by the Mayor this 27th day of March, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ORDINANCE NO. 803

AN ORDINANCE AMENDING ORDINANCE NO. 738 OF THE CITY OF LEAWOOD, KANSAS, BY APPROVING THE EXTENSION OF THE MATURITY OF THE CITY'S INDUSTRIAL REVENUE BONDS, SERIES OF APRIL 1, 1982 (THE LEAWOOD FOUNTAIN PLAZA PROJECT), DATED APRIL 1, 1982, IN THE PRINCIPAL AMOUNT OF $7,280,000; APPROVING THE FORM OF AND AUTHORIZING THE FIRST AMENDMENT OF LEASE BETWEEN SAID CITY AND LEAWOOD FOUNTAIN PLAZA, A KANSAS LIMITED PARTNERSHIP; APPROVING AND AUTHORIZING THE AMENDMENT OF THE TRI-PARTY AGREEMENT AMONG THE PROSPECT COMPANY, A DELAWARE CORPORATION, LEAWOOD FOUNTAIN PLAZA, THE CITY AND THE FIRST NATIONAL BANK AND TRUST COMPANY OF OKLAHOMA CITY; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SUCH FURTHER DOCUMENTS AND INSTRUMENTS AS MAY BE NECESSARY TO EFFECTUATE THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE.

WHEREAS, pursuant to Ordinance No. 738 of the City duly adopted by the Governing Body of the City of Leawood, Kansas on April 19, 1982 (the "Original Ordinance"), the City has issued its $7,280,000 principal amount Industrial Revenue Bonds, Series of April 1, 1982 (The Leawood Fountain Plaza Project), dated April 1, 1982 (the "Bonds"), and in connection therewith the City did enter into a Lease, dated as of April 1, 1982 (the "Lease"), with Leawood Fountain Plaza, a Kansas limited partnership (the "Company"), and a certain Tri-Party Agreement, dated as of April 1, 1982 (the "Tri-Party Agreement"), with The Prospect Company, a Delaware corporation, the Company and The First National Bank of Oklahoma City to secure the payment of the principal of and interest on said Bonds; and

WHEREAS, all of said Bonds issued by the City were initially sold to The First National Bank and Trust Company of Oklahoma City (the "Purchaser") in a direct private placement, and The First National Bank and Trust Company of Oklahoma City continues to be as of this date the registered owner and the holder of all of said Bonds which are currently outstanding and unpaid but intends to sell said Bonds in the immediate future to Commerce Bank of Kansas City, N.A. ("Commerce"); and

WHEREAS, the Bonds are scheduled to mature and the Lease expires by its terms on February 29, 1984, and the Company has proposed that the term of the Lease be extended until January 1, 1985, which proposal requires that the maturity of the Bonds be likewise extended and that the Tri-Party Agreement be amended; and

WHEREAS, the Purchaser and Commerce have agreed to the amendment of the Lease and extension of the maturity of the Bonds as aforesaid to January 1, 1985, and the Purchaser and Commerce, the Company and The Prospect Company have agreed to appropriate amendment of the Tri-Party Agreement consistent with such extension;

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

REPEAL OF SECTION. Section 1. Section 29-103 of Revised Ordinances, as adopted by Ordinance No. 738, is hereby repealed and the following enacted in lieu thereof:

29-103. DESCRIPTION AND DETAILS OF THE BONDS, DESIGNATION OF PAYING AGENT. Section 2. Said Industrial Revenue Bonds, Series of April 1, 1982 (The Leawood Fountain Plaza Project), of the City of Leawood, Kansas, shall consist of fully registered bonds without coupons, numbered from 1 consecutively upward in order of issuance, the number of each of such Bonds to be preceded by the letter "R" to identify its registered form. Said Bonds shall be issuable in the denomination of $5,000 or any integral multiple thereof not exceeding, however, the total aggregate amount of principal coming due on the stated maturity date that each particular Bond shall bear, and at no time shall the aggregate principal amount of the Bonds issued and outstanding exceed $7,280,000. All of said Bonds shall be dated April 1, 1982, and said Bonds shall become due and shall mature on January 1, 1985.

The Bonds shall bear interest from their effective dates of registration, respectively, as hereafter provided, at the per annum rate of interest equal to seventy percent (70%) of the Prime Rate (as hereinafter defined) of The First National Bank and Trust Company of Oklahoma City, in the City of Oklahoma City, Oklahoma, which rate shall change from time to time. The term "Prime Rate" shall mean the most recently announced national prime rate of The First National Bank and Trust Company of Oklahoma City, for new ninety (90) day unsecured loans. Such interest shall be payable monthly on the last day of each calendar month during which the Bonds are outstanding and unpaid commencing with the last day of the month of the effective date of registration.

The interest rate on the Bonds will be adjusted throughout the term that the Bonds remain outstanding and unpaid effective on the date of a change in the Prime Rate. In addition, if at any time during which the Bonds remain outstanding and unpaid the marginal income tax rate on which the federal income tax of the holder of the Bonds is based should be less than the rate on which tax was based for the calendar year ending December 31, 1981, resulting from an amendment to the Internal Revenue Code of 1954, as amended, the interest rate on the Bonds shall be increased by an amount sufficient to cause the yield on the Bonds to remain constant. The following formula shall be utilized to establish the adjusted percentage of the Prime Rate (PR) to be applied:

$$\text{New \% of PR} = \frac{\text{Old \% of PR} - (\text{Old \% of PR} \times \text{New Corporate Tax Rate})}{(1 - \text{Old Corporate Tax Rate})}$$

If any payment of principal interest or premium on the Bonds or any of them shall not be made on or before the date such payment shall be due and payable under the provisions hereof and the expiration of any applicable grace period, such sums as shall be in default shall bear interest at a rate of interest equal to the effective rate of interest on the Bonds plus three (3) percentage points until paid.

The principal of, redemption premium, if any, and interest on said Bonds shall be payable in any coin or currency of the United States of America which on the respective dates of payment thereof is legal tender for the payment of public and private debts. Payment of such principal and redemption premium, if any, on said Bonds shall be made upon presentation and surrender of such Bonds as they become due at the principal corporate trust offices of The First National Bank and Trust Company of Oklahoma City, in the City of Oklahoma City, Oklahoma, or its successor as fiscal agent, herein sometimes referred to as the "Fiscal Agent". Payment of the interest on each of the Bonds shall be made by the Fiscal Agent on each interest payment date to the person appearing on the registration books of the City hereinafter provided for as the registered owner thereof by check mailed to such registered owner at the address of such registered owner as it appears on the registration books.

In the event any Bonds shall not be presented for payment when the principal thereof becomes due, either at maturity or otherwise, or at the date fixed for redemption thereof, and if funds sufficient to pay such Bonds shall have been made available to the Fiscal Agent, all liability of the City for the payment of such Bonds shall forthwith cease and be completely discharged.

29-103.1. AUTHORITY FOR AMENDMENT; NO REQUIREMENT OF NOTATION ON BONDS. Section 3. This amendment of the Original Ordinance is made pursuant to the Authority of Section 17 of the Original Ordinance with the express written consent of the Purchaser as holder of all Bonds currently outstanding. In accordance with the provisions of said Section 17 of the Original Ordinance, no notation shall be made on any outstanding Bonds of the amendment provided for by the provisions of this Ordinance, including specifically the extension of the maturity date for said Bonds as provided in Section 2 above, but notwithstanding the foregoing the provisions of the Bonds shall be deemed to be amended consistent with the provisions of this Ordinance.

29-103.2. AMENDMENT OF LEASE. Section 4. The Lease dated as of April 1, 1982, is hereby amended as provided in the First Amendment of Lease, dated as of February 1, 1984, attached hereto as Exhibit A and incorporated herein by this reference, and the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said First Amendment of Lease in form and substance substantially as set forth in Exhibit A but with such changes therein as they shall, upon advice of the City Attorney, deem appropriate.

29-103.3. AMENDMENT OF TRI-PARTY AGREEMENT. Section 5. The amendment of the Tri-Party Agreement, dated as of April 1, 1982, to provide for the extension of the date for payment of amounts due and payable thereunder

consistent with the extension of the maturity of the Bonds and the term of the Lease, as herein provided, and to substitute Commerce for the Purchaser as a party thereto is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, an amendment to the Tri-Party Agreement in such form and substance consistent with the foregoing as they shall, upon advice of the City Attorney, deem appropriate.

TAKE EFFECT. Section 6. This Ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.

First Reading: 2/6/84 Second Reading: 2/20/84

Passed by the Governing Body this 20th day of February, 1984.

Approved by the Mayor this 20th day of February, 1984.

(S E A L)

Kent E. Crippin Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

CHAPTER XXIX. INDUSTRIAL REVENUE BONDS

ARTICLE 1. LEAWOOD FOUNTAIN PLAZA

AN ORDINANCE AUTHORIZING THE CITY TO ACQUIRE PROPERTY AND TO ACQUIRE AND CONSTRUCT BUILDINGS ON THAT PROPERTY AND TO EQUIP THE SAME AND TO PAY THE COST OF ACQUIRING SAID PROPERTY, AND CONSTRUCTING AND EQUIPPING SAID BUILDINGS FOR INDUSTRIAL DEVELOPMENT PURPOSES; AUTHORIZING AND DIRECTING THE ISSUANCE OF $7,280,000 OF INDUSTRIAL REVENUE BONDS; PRESCRIBING THE FORM OF A BOND; APPOINTING A FISCAL AGENT AND PAYING AGENT; AUTHORIZING THE EXECUTION OF A LEASE BY AND BETWEEN SAID CITY AND LEAWOOD FOUNTAIN PLAZA; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION BY THE CITY OF A CERTAIN TRI-PARTY AGREEMENT AMONG THE PROSPECT COMPANY, LEAWOOD FOUNTAIN PLAZA AND THE CITY AND ITS ASSIGNS; APPROVING THE FORM OF A GUARANTY AGREEMENT FROM THE GENERAL PARTNERS AND THE SOLE LIMITED PARTNER OF LEAWOOD FOUNTAIN PLAZA TO THE PURCHASER OF THE BONDS; AND AUTHORIZING THE MAKING OF AN ELECTION UNDER SECTION 103(b)(6)(D) OF THE INTERNAL REVENUE CODE.

For detailed information, see Ordinance No. 738, 4-19-82

29-101. Authority to acquire property and to construct and install facility - amended by Ord. No. 746, 6-21-82
29-102. Authorization of and security of the bonds
repealed by 803 29-103. Description and details of the bonds, designation of paying agent add 29-103.1 .2 .3
29-104. Redemption and payment of the bonds prior to maturity
29-105. Method of execution and authentication of the bonds
29-106. Registration provisions, appointment of bond registrar
29-107. Form of bond
29-108. Preparation, authentication and delivery of the bonds
29-108.1 Sale of the bonds - added by Ord. No. 746, 6-21-82
29-109. Designation of fiscal agent, disposition of bond proceeds add 29-109.1 & 109.2
29-110. Construction fund
29-111. Principal and interest account
29-112. Investments
29-113. Particular covenants of the City
29-114. Events of default
29-115. Application of moneys
29-116. Provisions relating to the fiscal agent
29-117. Amendments
29-118. Defeasance
29-119. Authorization of lease - amended by Ord. No. 746, 6-21-82
29-120. Approval of tri-party agreement
29-121. Approval of guaranty
29-122. Conveyance of facility
29-123. Election under Section 103(b)(6)(D) of the Internal Revenue Code
29-124. Severability

CHAPTER XXX. STORM DRAINAGE IMPROVEMENTS

ARTICLE 1. CULVERTS & BRIDGES

30-101. IMPROVEMENT. That the storm water channel at 86th and Cherokee be modified and that the bridge at such location be replaced so as to allow for the proper flow of storm water.

30-102. IMPROVEMENT. That the storm water drainage facilities at 97th Place between Ensley Lane and Cherokee be modified and that the culvert at that location be replaced so as to allow for the proper flow of storm water through the facility.

30-103. IMPROVEMENT. That the storm water drainage facilities at Ensley Lane at 98th Street be modified and that the culvert at that location be replaced so as to allow for the proper flow of storm water through the facility.

30-104. IMPROVEMENT. That the storm water drainage facilities at Belinder Road at 98th Street be modified and that the culvert at that location be replaced so as to allow for the proper flow of storm water through the facility.

30-105. NECESSITY AND ADVISABILITY. That the above-described storm drain and storm sewer improvements are necessary and advisable and in the best interests of the City of Leawood. Said improvements are specifically authorized by K.S.A. 12-631r and K.S.A. 12-631s.

30-106. FUNDING. That the City's cost of constructing said storm sewer and culvert and bridge modifications and replacements shall be by the issuance of general obligation bonds of the City of Leawood, Kansas, as provided by law, and specifically by the authority of K.S.A. 10-101 et seq, and all amendments made to the general bond laws of the State of Kansas by Senate Bill No. 265, enacted by the 1983 Session of the Kansas Legislature. That the cost of said improvements be temporarily financed, if necessary, through the issuance of temporary notes as provided by law.

30-107. ENGINEERING ESTIMATE. That the City's consulting engineers, Larkin & Associates, shall file detailed plans and specifications for the construction of said storm water improvements, and shall submit to the Governing Body for their approval, and shall file, according to law, their engineer's estimate of the cost and expense of constructing said improvements and shall submit the same to the Governing Body of the City of Leawood, Kansas.

ORD. NO. 783 7-5-83

CHAPTER XXX. STORM DRAINAGE IMPROVEMENTS

ARTICLE 1. CULVERTS & BRIDGES

30-108. ADVERTISEMENT FOR BOND. That the City Clerk, or her representative, shall advertise for bids for furnishing of the material and labor to be used in the construction of said improvements, and shall fix the time within which bids shall be received and said advertisement shall notify the bidders that the City shall reserve the right to reject any and all bids.

30-109. CONTRACT. The Governing Body, or its representative, shall, after the bids have been received and filed, open and consider the same and may let the contract for the construction of said improvements or any part thereof, to the lowest responsible bidder and may reject any and all bids. That upon acceptance of any bid, the bidder or contractor to whom the contract shall be awarded, shall enter into a written agreement with the City, or its representative, for construction of said storm water improvements, or any part thereof, and shall execute bonds with satisfactory surety thereon, conditioned for the faithful performance of said contract, and a bond indemnifying and saving the City harmless because of any injury to person or property caused by the negligence of the contractor, his agents or servants. amd all of the work shall be done under the supervision of the City's consulting engineer for this project, Larkin & Associates, and subject to the firm's approval before final acceptance.

ORD. NO. 783 7-5-83

30-110. AUTHORIZATION, INTEREST AND MATURITY. That for the purpose of paying the cost of making the following improvements to-wit:

1. That the storm water channel at 86th and Cherokee be modified and that the bridge at such location be replaced so as to allow for the proper flow of storm water.
2. That the storm water drainage facilities at 97th Place between Ensley Lane and Cherokee be modified and that the culvert at that location be replaced so as to allow for the proper flow of storm water through the facility.
3. That the storm water drainage facilities at Ensley Lane at 98th Street be modified and that the culvert at that location be replaced so as to allow for the proper flow of storm water through the facility.
4. That the storm water drainage facilities at Belinder Road at 98th Street be modified and that the culvert at that location be replaced so as to allow for the proper flow of storm water through the facility.

including the payment of necessary engineering, incidental and legal costs thereto, there shall be issued temporary notes of the City of Leawood in a total sum not to exceed Three Hundred Sixty Thousand Dollars. Said notes shall be numbered as Series SD-83-1 and shall bear interest at a rate not to

ORDINANCE NO. 820
re Renewing Temporary Notes TN 83-1,2,and 3 and
Extending Maturity Date of Said Notes.

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

exceed nine percent per annum, payable semi-annually and shall mature by one year from August 1, 1983, and shall be callable in advance of maturity and shall be redeemed and cancelled before or at the time bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123 and all acts amendatory thereto, and K.S.A. 12-631r and K.S.A. 12-631s and any amendments thereto.

30-111. EXECUTION AND PAYMENT. Said notes shall be in the form and executed as provided by law, both principal and interest shall be paid at the office of the City Clerk of Leawood, Kansas.

ORD. NO. 784 7-18-83

← Add 30-112